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NEW HAMPSHIRE. PROVINCIAL AND STATE PAPERS

VOLUME 3

PROVINCIAL PAPERS

AMS PRESS

NEW YORK

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1692 TO 1722:

BEING PART II. OF PAPERS RELATING TO THAT PERIOD.

CONTAINING THE

"JOURNAL OF THE COUNCIL AND GENERAL ASSEMBLY."

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME III.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

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EDITOR'S PREFACE.

ALTHOUGH this third volume of Provincial Papers covers nearly the same period as the preceding volume, yet it will be seen on examination that the contents of the volume are materially different from the former. The one contains the Records of the COUNCIL, which was the *Executive* body in the Province, composed of the Governor and not less than five Councillors, who received their appointment and commission from the Crown. The ASSEMBLY was composed of men chosen by the freeholders of the respective towns, as their representatives or deputies, having authority to enact laws, lay taxes, &c., and constituted the *Legislative* branch of the government. All laws, acts and ordinances, however, passed by the Assembly, must be concurred in by the Council, approved by the Governor and finally be sanctioned by the King.

The "Journal of the Council and Assembly" contained in this volume is a record of the joint transactions of the two bodies in relation to all business which appropriately belonged to the Sessions of the General Assembly. No *Journal of the House* separate from the joint Journal of the Council and Assembly is found till 1711, and that is very meagre and incomplete till 1722. Occasional extracts are made from it, to supplement or elucidate the Journal of the Council and Assembly, but the Editor has not deemed it necessary or expedient to publish it entire.

In this volume, as in the preceding, will be found, in chronological order, many letters, papers, speeches and authentic facts,

of much historical interest and value, which the Editor has gathered from every available and reliable source, and for which due credit is always given. His intention has been to publish *every* official paper and document that can be found on record or on file, that serves to throw light on our Provincial History.

The Province Laws, in this volume, from 1692 to 1702, (only two or three of which have ever before been printed) indicate the state of the Province and the manners and customs of the times to which they relate. In this respect they are of much value and should be carefully examined.

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NEW-HAMPSHIRE

PROVINCIAL PAPERS.

VOLUME III.

[NOTE. In the MS. volume which contains "The Journal of the Council and Assembly," in the office of the Secretary of State, the first *forty-four* pages are marked with numeral letters, which are also retained, for the sake of reference, in this printed copy.—ED.]

[P. I.] Province of New Hampshire.

At a General Assembly, held of Portsmouth, for the Province afores[d] on the first Tuesday of October, 1692.

Present,

The Lieut. Governour,

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nathan[ll] Fryer,		W[m] Vaughan,	
Rob[t] Elliot,		Henry Greene,	

The King's Lres. Patents were read to the Assembly, and the Lieut. Governour made a speech to the effect following.

[Speech not on record.]

Ordered, that the Secr[y] make a dedim[s] potestatem to John Hincks and Richard Waldron, Esqs., to give the oaths appointed instead of the oaths of allegiance and supremacy, and the Test.

Adjourned till to-morrow morning at 10 of the clock.

Wednesday, 5th October, 1692, 10 o'clock, ante meridiem.

Prsent,

The Lieut. Governr,

John Hincks, Nathanll Fryer, Robt Elliott, Peter Coffin, } Esqs.

Henry Greene, Wm Vaughan, Richard Waldron, } Esqs.

All the above mentioned members of the Council then subscribed the Declaration appointed by act of Parliamt.

Whereas several persons elected for the Assembly have this day refused to take the Oaths appointed by act of Parliamt, instead of the oaths of allegiance and supremacy, according to the custome of England, by swearing upon the Bible, It is ordered that the oaths be administered to such of the Assembly as have so refused, by lifting up of their hands, considering the present troubles & circumstances of affairs.

Mr John Hincks entered his dissent from the abovesd order in the manner of administering the Oath.

[P. II.] Ordered, that the name of Nathanll Fryer be put into the dedimus potestatem for administering the Oaths as above, to the Assembly, instead of John Hincks, Esq., and that his name be erased out of the same.

Mr. Richard Martyn, Capt. Elias Styleman, Capt. John Pickerin, Lieut. John Smith, Mr. Joseph Smith, Capt. John Woodman, Mr. Job Clement, Mr. Wm Furber, Jr., Capt. Wm Moore, Lieut. Samuel Leavitt, Lieut. James Blagden, were sworn to the above written order by Nathanll Fryer & Richard Waldron, Esqrs.

The Assembly came to this House and presented Mr. Richard Martyn for their Speaker, which the Lieut. Governour then approved of.

Mr. Speaker then acquainted this Board that John Hussey, an elected member from the town of Hampton, had withdrawn himself from the Assembly as not qualified in

not taking an oath, and prayed that a writt might be issued for the election of another person, which was granted, and the Secre^{y} ordered to issue forth a new writt accordingly.

Mr. Speaker desired a copy of the Lieut. Govr speech yesterday, and the Secre^{y} ordered to give him a coppy thereof.

Ordered, that Major Wm Vaughan, Richard Waldron & Peter Coffin, Esqrs., join with the Committee of the other house in conferring together & drawing such order and orders as shall be thought most needful for the defence of this Province agst the common enemy, and that the secre^{y} be assisting to the s^{d} committee as occasion may require.

This house is adjourned until two o'clock to-morrow in the afternoon.

Thursday, 6th October, at 2 o'clock post meridian, ejusd^{m} diei, 1692.

Present,

The Lieut. Govern^{r},

John Hincks, Nathan^{ll} Fryer, Robt. Elliott, Peter Coffin,	Esqrs.	Henry Green, Wm Vaughan, and Richd Waldron,	Esqrs.

Upon a Message brought to this Board from the other house by Capt. John Pickering & Capt. John Woodman, that complaint has been made to that house [P. III.] that the soldiers in this Province belonging to the Massachusetts Bay are destitute of provisions, prayed that this house, the Lieut. Governor and Council, would take the same into consideration.

Ordered, that the Treasurer of this Province advance 20^{lbs} in Provisions for the soldiers at Oyster River & elsewhere, which said sume is to be defrayed out of the first money to be raised by act of the Govern^{r}, Council & Assembly.

In compliance with an order from the other house, resolved that John Hincks & Henry Green, Esqrs., be and hereby are appointed a Committee of this house to join with such a Committee of the other house as they shall appoint, for establishing a settled revenue in this Province, and that they proceed on the same immediately.

Resolved, that Nathan[ll] Fryer & Robert Elliott, Esqrs., be and hereby are appointed a Committee to join with such committee of the other house as they shall appoint, for establishing Courts of Judicature and that they pr'ceed upon the same.

Adjourned till 9 o'clock to-morrow morning.

Friday, 7th October, 1692.
at 9 o'clock in y[e] forenoon.

Pr'sent,

The Lieut. Govern[r],

John Hincks,	Esqrs.	Henry Greene,	Esqrs.
Nathan[l] Fryer,		W[m] Vaughan,	
Robert Elliott,		Rich[d] Waldron,	
Peter Coffin,			

[Blank 2 small pages.]

Province of New Hampshire.

At a General Assembly, held at Great Island for the Province afores[d], on Wednesday, the first day of March, 1692-3.

Present.

The Lieut. Governor.

John Hincks,	Esqrs.	Henry Greene,	Esqrs.
Nath. Fryer,		Nath. Weare,	
Robert Elliott,		Rich. Waldron,	
Peter Coffin,			

Ordered, that the House be settled and that a Speaker be chosen.

[P. IV.] The other house called up, the Lieut. Govern[r] made a speech to them.

Ordered, that new writts be issued out to elect other representatives in the room of those who refused to sweare.

Adjourned to Thursday, 2[d] March, 10 in the forenoon.

At a General Assembly held at Great Island, 2[d] March, 1692–3.

Present,

The Lieut. Govern[r],

John Hincks,	Esqrs.	Henry Green,	Esqrs.
Nath. Fryer,		Nath. Weare,	
Robt. Elliott,		Rich. Waldron,	
Peter Coffin,			

The other house presented M[r] John Gillman for their Speaker, who was accepted and approved of by this house.

The copy of all the fees as they were settled in the time of Sir Edmund Andrews being read, were allowed of till further order.

A bill from the other house concerning the manner of swearing.

Ordered, that the act concerning corn fields and fences be considered of and amended.

Ordered, that the Bill concerning the manner of swearing be taken into consideration and that M[r] Waldron be desired to bring the Laws of New York, that this board may consider of the same.

Mr. Nath. Weare desires this Board would order that his Sureties Bonds, that were entered into to the Prison keeper for his appearance, might be delivered up, and that he may have liberty to sue for his damages. Upon reading his mittimus and Bonds it is ordered that Mr. Weare move it at the next Quarter Sessions.

Adjourned to Friday, 3[d] March, 1692, at 10 o'clock.

At a General Assembly held for said Province, Friday, 3d March, 1692–3.

Present,

The Lieut. Govern^r,

John Hincks,	Esqrs.	Henry Greene,	Esqrs.
Nath. Fryer,		Nath. Weare,	
Robt. Elliott,		William Vaughan,	
Peter Coffin,		Rich. Waldron,	

[P. V.] The other House sent up a Bill that the Oaths appointed by act of Parliam^t to be taken instead of the oaths of Allegiance and supremacy may be administered to all Male persons from 16 years old & upwards; the which being read, was rejected, for that their maj'ties' command had sufficiently provided for it.

Upon reading the Bill concerning the manner of swearing, Ordered that in regard it is but matter of seremony (the oath being the same) that the s^d Bill be passed.

Major Elias Styleman, Capt. John Pickring, Mr. Sam^ll Kease, Capt. Henry Dow, Mr. Thomas Fillbrick, Mr. Joseph Sweett, Capt. John Woodman, Mr. William Furber, Capt. John Gillman, Capt. Jonathan Thing, Mr. Thomas Dymond, Lieut. John Tuttle, were all sworn and subscribed the Test, they being returned as Representatives.

Ordered, that a Bill be drawn up for laying an Imposition on all Boards and Lumber that shall be sent or exported out of this Province to New England, New York, &c., and that the rates and Impositions be as followeth, viz:

Boards & Joyce,	p^m	2s.	
Pyne Plank,	p^m	4 inch	so proportionably, according to thickness.
Oake Plank,	p^m	5 inch	
Wt. Oake Pipe,	p^m	4	
White Oake Hhd.,	p^m	2	
Red Oake Pipe,	p^m	2	
Red Oake Hhd.,	p^m	1	
Barrel Staves,	p^m	1	

All heading to be accounted as staves; and that the same

be applied to the maintenance & defraying the charges of the Fort on Great Island.

Ordered, the afores^{d} Bill be sent to the other house for their concurrence.

Adjourned to Saturday, 4 March, 1692–3, at 9 o'clock.

At a General Assembly, held at Portsmouth, 4th March, 1692–3.

Present,

The Lieut. Govern^{r},

John Hincks,	Esqs.	Henry Green,	Esqs.
Nath Fryer,		Nathl Weare,	
Robt Elliott,		William Vaughan,	
Peter Coffin,		Rich Waldron,	

[P. VI.] The other House presented a Bill to this House for raising of 600 lb., and desire the concurrence of this House, to which this House concurred, and ordered Mr. Richard Waldron & Major Wm Vaughan be a committee for this House, to join with the committee of the other House.

Adjourned to Monday, 6th March, 1692–3.

Province of New Hampshire.

At a General Assembly held at Great Island, Monday, 6th March, 1692–3, at 2 o'clock post meridiem.

Present,

The Lieut. Govr,

John Hincks,	Esqs.	Henry Greene,	Esqs.
Nath. Fryer,		Nath. Weare,	
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Rich. Waldron,	

Ordered, that a Capt. be settled at the fort and that he be allowed 20 ^{lb} p^{r} Ann., and that a Gunner be likewise agreed with as cheap as may be.

A Bill concerning Births, Burials and marriages being past by the other House, was read and ordered to be ingrossed.

Adjourned to Wednesday, 8th March, 1692–3, at 10 o'clock forenoon.

At a General Assembly, held at Great Island, Wednesday, 8 March, 1692–3.

Present,

The Lieut. Govern^r,

John Hincks,	Esqs.	Henry Greene,	Esqs.
Nath. Fryer,		Nath. Weare,	
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

Ordered, That the Sheriffe give notice to Mr. Richd Martyn and the Selectmen of the Town of Portsmouth, to attend this Board to-morrow at 2 o'clock in the Afternoon, there to lay before this Board an account of their making the last assessment for s^d Town.

Capt. Fryer having produced a Bill of his disbursement for ladder and other necessaries for the use of the fort and for drink given the men at mounting the guns, amounting to 2^lbs 7^s 6^d, Ordered, that the same be allowed, and that the Treasurer pay him out of the revenue of the Province.

[P. VII.] Ordered, that the Judge adjourne the Court that is now sitting at Portsmouth, and that the Assembly men have notice to attend the General Assembly tomorrow, at 10 o'clock in the forenoon. Adjourned to Thursday, 9th Martii, at 10 o'clock forenoon.

At a General Assembly, held at Great Island 9 March, 1692–3.

Present,

The Lieut. Govern^{r},

John Hincks,	Esqs.	Henry Greene,	Esqs.
Robert Elliott,		Nath. Weare,	
Peter Coffin,		Rich. Waldron,	

Mr. Tucker's Bill of charges at their Maj'ties Fort read and allowed, and ordered to be paid by the Treasurer, being 10^{lb} 14^{s} 6^{d}.

Ordered, that the Treasurer do forthwith take care that the Platforme at the Fort be repaired according to the information given in by him.

The Lieut. Govern^{r} gave his consent to seven several bills which were read and passed, viz:

A Bill for suport of the Governme^{t}.

A Bill concerning the gathering of Rates.

A Bill concerning the manner of swearing.

A Bill concerning the Laws of the Province.

A Bill to prevent concealing Estates.

An additional Bill concerning Cornefields & fences.

A Bill concerning Births and Burials.

Prorogued to Tuesday, 25th July, 1693.

Province of New Hampshire.

At a General Assembly held by Proroga., at the town of New Castle, for the said Province on Tuesday, the 25th day of July, 1693.

Present,

John Hincks, Presid^{t},

Nath. Fryer,	Esqrs.	Henry Greene,	Esqrs.
Robert Elliott,		Willm Vaughan,	
Peter Coffin,		Rich. Waldron,	

Both Houses being met together, the President made a speech to them, that there might be a Committee of both

Houses chosen to inspect all accounts of maintaining and defending the Frontier Garrisons & mounting the guns at the forte, and to report what money hath been already given and what other charge needfull. This house chose Henry Green & Peter Coffin, Esqrs., and the other House chose Henry Dow and John Pickring to be a Committee for the end afores^{d}.

Adjourned to Wednesday, 26th July, at 2 o'clock, Post Meridiem.

[P. VIII.] Wednesday, 26th July, 1693.

Present,

John Hincks, Esq., President,

Nath. Fryer,	Esqrs.	Nath. Weare,	Esqrs.
Robert Elliott,		Willm Vaughan,	
Peter Coffin,		Richd Waldron,	
Henry Greene,			

The Committee appointed to inspect the Accounts made their report how they found the same, but not having considered what further charge the Province must be att, and what money was needfull to be raised, were ordered to meet again & consider of the same, and to make report thereof on Thursday, 27th instant, at 11 o'clock.

Adjourned to Thursday, 27th instant, at 11 o'clock.

Thursday, 27th July, 1693.

Present,

The Lieut. Govern^{r},

Nath. Fryer,	Esqrs.	Nathl Weare,	Esqrs.
Robert Elliott,		William Vaughan,	
Peter Coffin,		Richd Waldron,	
Henry Greene,			

The other House being sent for up and attending, the Lieut. Govern^{r} made a Speech to both houses, a copy whereof was ordered to be delivered to the Lower House.

Upon reading a Letter written by Mr. Addington, Secr^{y}

of the Province of the Massachusetts Bay, dated 14th July instant, signifying there lay before that Board the grievous complaint and petition of William Pepprill concerning his Barque called the Mary, & thereby desiring an answer, This House being sensible of no grievance, and not knowing what the petition is, not having a copy, can give no answer thereto.

Adjourned to Friday, 29th July, 1693.

Present,
John Hincks, Esq., Presidt,

Nath. Fryer,	Esqs.	Nath. Weare,	Esqs.
Robert Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	
Henry Greene,			

Ordered, that Major Vaughan, Mr. Waldron, prepare and drawe up a Bill for settling a Post Office in this Province; and also that they consider of the Bill sent from the other House concerning gathering of Rates.

[P. IX.] Ordered, that Mr. Henry Greene and Mr. Nathl Weare prepare and draw up a Bill for maintenance of the ministry & Schoolmasters.

Adjourned to Tuesday the 1st of August, 1693, at 2 o'clock, Post Meridiem.

At a General Assembly held ditto.
Present,
John Hincks, President,

Nath. Fryer,	Esqrs.	Nathl Weare,	Esqrs.
Robert Elliott,		Wm Vaughan,	
Peter Coffin,		Rich. Waldron,	
Henry Greene,			

The other House having sent to this House a Bill for the raising the sum of 200lbs, upon reading the same a conference was desired to be had between both Houses, who

being met the Presid^{t} desired to know to what uses they intended the 200^{lbs} should be converted. Resolved, that 118^{lbs} should go to pay the Treasurer, and the rest to defraye the charge of the out Garrisons, which they conceived would be sufficient for 2 months.

Ordered, that Mr. Waldron be excused from attending the House untill Thursday next. Adjourned to Wednesday, 2^{d} August, 1693, 10 o'clock forenoone.

Wednesday, 8^{d} August, 1693.

Present,

John Hincks, Esq., Presid^{t},

Nath. Fryer, Robert Elliott, Henry Greene, } Esqs. William Vaughan, Rich. Waldron, } Esqs.

The Bill for maintenance of the ministry, &c., was returned from the other House without any amendment.

The Bill for preventing the prophanation of the Lord's Day was returned from the other House, without any amendment.

The Bill concerning the Post Office was agreed to and ordered to be engrossed.

The Bill for raising the sum of 200^{lbs} was agreed to by both Houses.

Ordered, that the Secr^{y} carry the s^{d} several Bills to the Honble the Lieut. Govern^{r} for his perusal & approbation.

Adjourned to 10 o'clock, Friday, 5th August, 1693.

[P. X.] Friday, 5th August, 1693.

Present,

John Hincks, Esq., Presid^{t},

Nath. Fryer. Robert Elliott, Henry Greene, } Esqs. Willm Vaughan, Rich. Waldron, } Esqs.

Both Houses being met it was put to the vote if the

members of Council should not be discharged of their Rates. Passed in the negative.

The Lieut. Govern^{r} being come to the House where both Houses being convened together, gave his consent to the five several Bills which were then read and passed.

The Lieut. Govern^{r} made a speech to the other House, in answer to their answer returned to the Lieut. Govern^{r} speech made to them Thursday, 27th July last, and then Dissolved them.

At a General Assembly begun and held at the town of New Castle, the 18th of October, 1693, for the said Province.

Present,

The Lieut. Governor,

John Hincks,	Esqs.	William Vaughan,	Esqs.
Nath. Fryer,		Robert Elliott,	

Ordered, that Nathl Fryer and William Vaughan, Esqrs., administer the oaths to the assembly & to see them subscribe the Test.

Accordingly were sworn, John Pickering, John Woodman, Job Clements, John Plaisted, Mark Hunking, Moses Leavitt, Theophilus Dudley, Shadrach Walton, James Rendle, Willm Waymouth, William Furber, Daniel Tilton, John Redman, and Joseph Moulton, who all signed the Test.

The other House being sent for and attending, were ordered to choose themselves a Speaker. The Lower presented Mr. John Pickerin for their Speaker, who was approved of.

The Lieut. Governor made a speech to both houses and recommended the same to their consideration. Adjourned to Thursday, 19th instant, at 12 o'clock.

Thursday, 19th October, 1693.

Present,

The Lieut. Govern^r,

John Hincks,	Esqs.	Henry Greene,	Esqs.
Nath. Fryer,		Peter Coffin,	
Robt. Elliott,		William Vaughan,	

Ordered, that Major Vaughan and Mr. Waldron prepare and draw up a Bill concerning Intestate Estates.

Adjourned to the 20th October, 1693, at 2 o'clock.

[P. XI.] Friday, 20th October, 1693.

Present,

The Lieut. Govern^r,

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nath. Fryer,		Henry Greene,	
Robert Elliott,			

The other House being sent for and attending, the Lieut. Govern^r prest them to dispatch what lay before them.

Adjourned to Saturday, 21st October, 1693, at 8 o'clock, forenoon.

Saturday, 21st October, 1693.

Present,

The Lieut. Governor,

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nath. Fryer,		Henry Greene,	
Robt. Elliott,			

A Bill for reviewing & continuing of an act for the establishing a revenue for defraying the public charge of the Government, was agreed to by both Houses & past.

A Bill concerning intestate Estates agreed to and past both Houses.

The Lower House being sent for and attending, the aforesaid two Bills were read and the Lieut. Govern^r signed the same.

Prorogued to the 2d Tuesday in May next.

Province of New Hampshire.

At a General Assembly held by prorogation, at New Castle, on Tuesday, the 8th of May, 1694.

Present,

The Lieut. Governr,

Nath. Fryer, Robt. Elliott, Hen. Green, } Esqs.

William Vaughan, Richd Waldron, } Esqs.

The Lieut. Governr declared to this Board that he would be very willing to know if they had any thing to offer for the service of their Maj'ties or benefitt of the Province, At which the members were silent.

The Lieut. Governor told them if they had nothing to offer, the King had given express command for building a place for security of their Maj'ties stores; and since the Assembly was not here, they might go to see what was convenient to be done in the Fort, so that it might be layd before the Assembly.

The Lower House being sat, the Lt Governr sent for them up, and made a speech to both Houses, as on file.

[P. XII.] Adjourned to May 9th, 1694.

Wednesday, May 9th, 1694.

Present,

The Lt. Governr,

Nath. Fryer, Robt. Elliott, Peter Coffin, } Esqs.

Hen. Green, Wm Vaughan, Richd Waldron, } Esqs.

The Lt Governr proposed to this Board whether it was not necessary for a fortification to be built in the Fort for security of the soldiers, in case of an attack. Answered by the Board that it was necessarie.

The Lt Governr demanded wt was to be done as to the order for the committee appointed to receive the claims.

Ordered, that Capt. Packer attend this Board to-morrow, to give account of the same.

The Lt Govern^{r} proposed to this Board to alter the time of the session of the Superiour Courts in this Province, so that they might not be on the same as they are in Boston.

Ordered, that a Bill be sent to the other House accordingly.

The Lt. Govern^{r} proposed to this Board that an Act might be passed for restraining of inhuman severities, which by ill masters or overseers may be used to their christian servants or slaves, and that provision be made therein — That the willful killing of Indians & Negroes be punished with death, and that a penalty imposed for mayming of them.

Ordered that a Bill be sent to the Assembly for the same.

A petition from the town of Hampton was read, on file. Ordered, that in answer thereto notice be given from this Board that the selectmen of Hampton, with the p^{r}sons concerned, attend this Board or send meet persons on their behalfe to answer and give what objections may be, against w^{t} is proposed in s^{d} petition, on Tuesday, 15th inst.

Ordered that the Treasurer bring his accotts. and lay the same before this Board to-morrow. Adjourned to May 10th, 2 o'clock.

Thursday, 10 May, 1694.

Present,

The Lt Govern^{r},

Nath. Fryer,	Esqs.	Hen. Green,	Esqs.
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

[P. XIII.] The Lieut. Govern^{r} sent for the Treasurer up to Board and demanded his acc^{ts}. The Treasurer delivered his acc^{ts} to the Board. Ordered that the said acc^{ts} should be filed.

Capt. Tho. Packer being called, was asked what return

the committee appointed to receive the claims of such p'sons to whom the Province was indebted, had made. Answered, he was last in nomination, and he could not command the other persons, and that he could not make any further return.

Ordered, that Capt. Woodman, Capt. Dow, Capt. Packer, Capt. Walton, Capt. Thwing, and Lt Tuttle* be of a committee to receive the acc^ts or claims of such p'sons to whom the Province is indebted, and lay the same before the Lt Govern^r and Council on the 15th inst.

Several Bills were presented from the Lower House, viz., a Bill for confirming of Town Bounds as formerly; A Bill for restraint of Horses on the Commons. The Lt Govern^r presented the said Bills to the Board for their consideration. Adjourned untill May 11th, 2 o'clock.

Friday, May 11th, 1694.

Present,

The Lf^t Govern^r,

Nath. Fryar,	Esqs.	Nathl Weare,	Esqs.
Robt. Elliott,		Wm Vaugha n,	
Peter Coffin,		Richd Waldr on,	
Hen. Green,			

Whereas there was a Warrant from the Lt Govern^r to summon Nath. Weare, Esq., one of the members of their Maj'ties Council in this Province to attend this Board on the ninth Inst., and he not apearing till 11th, The Lt Govern^r ordered the warr^t to be read. The Warr^t being

* *Lt. Jno. Tuttle, his claim for servis Due unto yyr Majty.*

Servis time ye Arival of yyr Maj's Ltt. Governour, January 22, 1693-4. viz:	
To 15 men and hors by Special Comand, myself Conduct, ...	2: 04: 00
May 12th, 1694; To myself & 14 men under pres. two days in pursuit of ye Enemie, ...	1: 12: 00
" To despatching 2 post Letters, one to Cochecha, and ye other to Oyster River, ...	0: 03: 00
More—One to Oyster River, ye other to Cochecha, ...	0: 03: 00
More—One to New Castle, ...	0: 03: 00
	4: 05: 00

2 JNO. TUTTLE, Ltt.

read, Capt. Nath^{ll} Weare answered that he did not stay out of contempt, & that he sent his reasons to the Sheriffe.

Ordered, that the three several Bills presented from the Lower House yesterday should pass this House. Adjourned to May 12th, 2 o'clock.

Saturday, May 12th, 1694.

The Lt Govern^{r} sent for the Lower House and made a speech to them ab^{t} the necessity of raising money to pay what the Province owed the soldiers, and building something for the security of the King's stores. The Lt Govern^{r} read a Letter from Mr. Campbell about the Post Office, and desired the Board's consideration.

Ordered that a Bill be sent down to the Lower House for an additional Law for paym^{t} of two pence a letter for [P. XIV.] letters coming into the Province by Water.

These four several Bills voted in both Houses, viz., A Bill for the acknowledging of Deeds; A Bill for restraint of Inhuman severities; A Bill to prevent Idle Expences and Gaming in Public Houses; A Bill for the encouragement of the Post Office.

Ordered, that Nath. Fryar, Robt. Elliott, Hen. Green, Nath. Weare, Wm Vaughan, & Richard Waldron, be a com^{ty} to join with the other House in drawing up said Bills, with the other three voted the 10th instant. Adjourned untill May 15th, at 2 of the clock.

Tuesday 15th May, 1694.

Present,

The Lt Govern^{r},

Nath. Fryar,	Esqs.	Nath. Weare,	Esqs.
Robert Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

The Lt Governor desired a return of Bills comited to be

drawn up. The Comittee pr'sented said Bills, and they was sent to the Lower House for their consideration.

Whereas the selectmen of Hampton were to attend this Board, they sent their answer, as on file. The Persons that petitioned from Hampton sent their desires by one James Prestcot, as on file.

Ordered, that a Township be granted by this Board unto the Petitioners of Hampton that have desired the same.

Ordered, that notice be given to the selectmen of Hampton that they give notice to their town to make choyce of persons to give their Relations where the bounds of a Township graunted by this Board to several persons of Hampton shall begin, and to make a return of the same to this Board on the 18th inst.

A Bill for Regulation of Seamen was sent to the Lower House. The comitty appointed to receive the claims being sent for gave in, as on file.

Adjourned till 16th inst., 2 o'clock.

Wednesday, May 16th, 1694.

Present,

The Lieut. Governr,

Nath. Fryar, Robt. Elliott, Peter Coffin, } Esqs. Nath. Wear, Rich. Waldron, } Esqs.

Capt. Nath. Fryar gave his dissent agst passing the Bill for settling Town bounds.

[P. XV.] Ordered that the Treasurer prepaire fair copies of his accts and lay the same before the Assembly forthwth.

Adjourned until May 17th, '94.

Thursday, May 17th, 1694.

Present,

The Lieut. Governr,

Nath. Fryar, Robert Elliott, Peter Coffin, } Esqs. Nathl Wear, Richd Waldron, } Esqs.

The Lt. Governr sent down to the Lower House to know whether that they had done anything as to the raising of money for the support of the Governmt in this Province, as to his Proposals layd before them.

The Lower House sent up answer in the negative. The Lt Governr sent for the Lower House & made a Speech to them abt raising of money as formerly.

Ordered, that Mr. Coffin and Capt. Weare be a Committee to join with the Lower House to draw a Bill for settling High ways, Capt. Walton and Job Clements, Esqr., being chosen by the Assembly.

Adjourned until May 18th, 1694, 2 o'clock.

Friday, May 18th, 1694.

Present,

The Lt. Governr,

Nath. Fryar, Robert Elliott, Peter Coffin, } Esqs. Nathll Weare, Richd Waldron, } Esqs.

A Bill about highways was sent to the Lower House. Whereas there was an order for the selectmen of Town of Hampton to attend this Board on this inst., to give their relation where the bounds of a new Town, granted to sundry p'sons of said Hampton, should begin; Capt. Hen. Dow apeared in behalfe of the Selectmen and made a return, as on file.

James Prescott appeared in behalf of the petitionrs and humbly leaves to the consideration of the Lt Governr and Council, where and how farr the Township shall be and run as to the bounds thereof.

Ordered, that the Township of the Young men of Hampton as to the affair thereof, be laid aside, the board not agreeing.

Ordered, that the Treasurer attend this Board on tomorrow morning by ten of the clock, to give an acc^tt of what money he has of the Provinces in his hands. Adjorned until May 19th, ten of the clock.

Saturday, May 19th, 1694.

Present, The Lt. Govern^r,

Nath. Fryar, Robert Elliott, Peter Coffin, } Esqs. Nathl Weare, Richd Waldron, } Esqs.

[P. XVI.] The Lieut. Govern^r sent for the Lower House and acquainted them that it was aparent the Treasurer had £101: 18: 9 of their Maj'ties Revenue in his hands.

Adjourned to May 21.

Monday, May 21, 1694.

Present, The Lt. Governor,

Nath. Fryar, Robert Elliott, Henry Green, } Esqs. Wm Vaughan, Richd Waldron, } Esqs.

The Lt Govern^r sent for the Lower House and proposed to them to make choyes of two men to join with this House, to consider the cost & charge of building the fortifications in the Fort, as he had formerly layd before them.

Adjourned till May 22^d, at 2 of the clock.

Tuesday, May 22^d, 1694.

Present, The Lt Govern^r,

Nath. Fryar, Robt Elliott, Hen. Green. } Esqs. Wm Vaughan, Richd Waldron, } Esqs.

The Lower House sent an answer to the Lt Govern$^{r's}$ proposals yesterday, as on file. The Lt Govern^{r} offered the Lower House if they did desire it, a conference wth this House. The Lieut. Governor sent the Dep^{t} Secr^{y} down to know their positive answer as to the choyce of two persons, yea or nay.

The Lower House, not sending up their answer, the Lt Govern^{r} sent down & commanded them in their Maj'ties names, to sit de die diem until they had sent up an answer positive.

Adjourned till May 23^{d}, 1694, at 2 o'clock.

Wednesday, 23^{d}, 1694.

Present, The Lt Governour,

Nath. Fryar,	Esqs.	Peter Coffin,	Esqs.
Robert Elliott,		Nath. Weare,	
Hen. Green,		Wm Vaughan, &	
		Rich. Waldron,	

A petition from the men of Hampton was read in Council.

Ordered, in answer to the petition, that a Township be granted. The Lower House sent up their answer as to choyce of 2 men in the negative. The Lt Govern^{r} proposed to this Board that 4 of the Council should view the Fort & compute the charge, and whether it was not necessary. Answered in the affirmative. The Comittee appointed, (viz.,) Robert Elliott, Peter Coffin, Hen. Green, Nath. Weare, Esqrs., made their return, viz., [P. XVII.] that for the pr'sent security of their Maj'ties Fort and to make up the breast work & place to secure the King's stores, we judge needful £100, & for the scons* to defend the great guns, £400.

The Lt Govern^{r} sent for the Lower House and recommended the same to their consideration. Adjourned till May 24th, at 10 clock.

* Sconce—a fort or bulwark; a work for defence.—*Web. Dic.*

Thursday, May 24th, 1694.

Present,

The Lt Governour,

Nath. Fryar,	Esqs.	Nathn Weare,	Esqs.
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	
Hen. Green,			

The Lt Governr sent to the Lower House to know their answer as to raising of money proposed. The Lower House sent up their answer in the negative.

Adjourned till 3 o'clock.

At three of the clock both houses being met, the Lt Governr gave his assent and signed these 6 Bills, viz:

An Additional Act for encouragement of the Post office; An Act for acknowledgment of deeds; An Act agst excessive expence in Taverns & Gaming; An Act for altering the time of the Session of the Superr Court; An Act for Restraint of Inhuman severities; An Act relating to Seamen.

The Lt Governor declares, as for the Acts, viz., about the Bounds and Highways, he would not assent to them, since they had so often intimated to the Council of Mr. Allen's coming.

The Lt Governor made a speech to both Houses, and then dissolved the Assembly, May 24th, 1694.

At a General Assembly begun and held at New Castle for the Province of New Hampshire, on Wednesday, November 1st, 1694.

Present, The Lieut. Governr,

Nath. Fryer,	Esqs.	Hen. Green,	Esqs.
Robert Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

Ordered that Robert Elliott and Peter Coffin, Esqs., be nominated in the Dedimus Potestatem for administering the oaths to the persons elected for this General Assembly.

Messrs. Geo. Jaffrey, John Pickring, John Plaisted, Tho. Cobbit, James Randle, Nath. Batchelder, Thomas Roby, John Smith, Kingsley Hall, Jno. Foulsham, Jno. Woodman, Wm Furber, John Hall, John Fabes, were sworn members of the Assembly, pursuant to the above ord^{r}, by Robert Elliott & Peter Coffin, Esqrs., of the Council.

The Lt Governor recommended to the Lower House the choice of a Speaker; and adjourned till 2 clock on Thursday, the 2^{d} inst.

[P. XVIII.] Held by Adjournment, November 2^{d}, 1694.

Present, The Lt Govern^{r},

Robert Elliott,	Esqs.	Nathl Weare,	Esqs.
Peter Coffin,		Wm Vaughan,	
Hen. Green,		Richd Waldron,	

The Lt Governor sent to the Lower House to know whether they had made choyce of a Speaker; and they offered Mr. George Jaffrey, who was accepted. Both Houses being met, the Lt Govern^{r} acquainted y^{m} that since he came into the Province he had heard of no matter that offered of service to be done, more than when he last went away; and delivered his speech to the Assembly for their consideration.

A vote was sent to the Lower House for reviving and continuing the act for defraying the public charges of the Governm^{t} until the second day of November, 1695, wch past both Houses, and was assented to by the Lt Govern^{r}, and proclaimed the same day.

It is the Result of this Board that there be Provided Provision and Ammunition for sixty men, to be sent from Boston to this Province as soldiers; and the Lower House being sent for up, the Lt Govern^{r} proposed to them what number of men they thought convenient to be sent for, and to make provision for them as to Provision and Ammunition. Adjourned to Fryday, 3^{d} inst. 10 clock.

Held by adjournment, November 3d, 1694.

Present, The Lt Governr,

Robert Elliott,	Esqs.	Nath. Weare,	Esqs.
Peter Coffin,		Wm Vaughan	
Hen. Green,		Richd Waldron,	

In answer to the Lt Governor's proposals yesterday, the Lower House sent up for sending sixty men for six months, and to raise Provision and ammunition for them, or longer, as necessity should require. Ordered, that a letter be drawn up to be sent for Boston for that purpose.

Adjourned to Tuesday, 6th inst.

Held by adjournment, Tuesday, 6th November, 1694.

Present, The Lt Governr,

Robert Elliott,	Esqs.	Nath. Weare,	Esqs.
Peter Coffin,		Wm Vaughan,	
Henry Green,		Richd Waldron,	

Both Houses being met, the Lt Governor declared he hoped to have had an acctt of the debts of the Province; but they being not ready from the committee, the Lt Governor made a Speech, as on file, and dd sundry papers to the Assembly for their perusal; recalling to what had been done the last session and since, for the service of this [P. XIX.] Province. Adjourned to Wednesday, 2 clock.

Held Wednesday, 7th.

Present, The Lt Governr,

Robert Elliott,	Esqs.	Nath Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Hen. Green,		Richd Waldron,	

This Board sent down to the Assembly to their consideration, viz.: Laid before the Assembly last May for the breast work & to secure the King's stores, £100. For a sconce to defend the Great Guns, £400. Debts standing

out, £202; for a Prison £150; Charges returned by the committee, £322, 19: 2d; For Provision and amunition for 60 soldiers 6 mo., £240. In all amounting as per accts on file, £1414: 19: 2.

The Lower House sent up the following votes, viz.: one for the Settlemt Town Bounds; one for the Restraint of Horses on the Commons, and one for Laying out of the Highways; which Bills this Board gave their dissent agst.

Adjourned to Thursday, 8th, 2 clock.

Held the 8th inst.

Present, The Lt Governr,

Robt. Elliott, Henry Green, Nathl Wear, } Esqs. Wm. Vaughan, Richd Waldron, } Esqs.

A Letter from his Excellr Sir Wm Phips & Council, relation to soldiers, bearing date at Boston, 8ber 6th, was sent to the Lower House for their consideration. A vote was sent up for advancing 1-3 part of pay for the soldiers from Boston.

A letter was sent in answer to Sir Wm Phips of the 3d inst., as on file.

A vote from the Lower House to raise on all estates and persons in this Province to the value of £700. Mr. Elliott and Mr. Wear were apointed a comity by this Board, to join with two of the Lower House for drawing up the act for a £700 Rate, and to make return by two clock tomorrow, Post meridiem. Adjourned until Friday, 9th.

Held Friday, 9th Novr, 1694.

Present, The Lt Governr,

Nathl Fryar, Robt Elliott, Hen. Green, } Esqs. Peter Coffin, Nathl Weare, Wm Vaughan, Richd Waldron, } Esqs.

The Comity appointed to draw up the £700 act made their return.

This board excepted agst the valew of Boards, and *and* sent the Bill down to the Lower House for their consideration.

[P. XX.] A vote passed this House for passing an act for alowing 5 shillings per diem during the session of Assemblys, to the Council, or for making void the act for allowance of Representatives during s^{d} session. Adjorned to November 10th.

Held November 10th, at 8 o'clock.

Present, The Lieut. Govern^{r},

Nathl Fryar,	Esqs.	Nath^{ll} Wear,	Esqs.
Robt Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	
Hen. Green,			

The Lower House sent up the act of £700 wth addition; but sent back for amendment. A vote from ye Lower House to call the money out of the late Treasurer's hand. The Lower House being sent for up to this Board, the Lt Governor made a speech to them, as on file, relating to raising of £400 to be presented to Mr. Wm Blaithwaite for passing of the Laws made & sent for Engl'd, for confirmation.

The act for raising of £700 past both Houses, and assented to by the Lieut. Govern^{r}. The Assembly prorogued to the second Wednesday, in May next, at two of the clock, Post Meridiem.

At a General Assembly held by prorogation at New Castle, May 8th, 1695.

Present, The Lt Governor,

Nath. Fryar,	Esqs.	Henry Green,	Esqs.
Robt Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

The Lieut. Govern^{r} acquainted the Board that whereas at present he *did not* [?] the affairs of the Province, and the Treasurer being to prepare his acc^{ts}, and no time would be left in visiting the Frontier Garrisons and Militia of the Province; therefore he dissolved this Assembly, and in his Majesty's name they were dissolved.

At a General Assembly begun and held at New Castle, May 15, 1695.

Present, The Hon'rable the Lt Govern^{r},

Nathl Fryar,	Esqs.	Nathl Wear,	Esqs.
Robt Elliott,		Wm Vaughan,	
Hen. Green,		Richd Waldron,	

Ordered, that the Deputy Secr^{y} make the Dedim^{s} Potest^{m} to Wm Vaughan and Richard Waldron, Esqrs., to administ^{r} the oaths appointed to the members of the assembly.

The same day according to precept the oaths apointed was administered to Mr. George Jaffrey, Elias Stileman, John Pickring, John Plasted, [P. XXI.] Kingsley Hall, John Foulsham, John Hall, James Rendall, Nath^{r} Batchelder, John Smith, Thomas Roby.

Adjourned to Thursday morning, the 16th inst., 10 of the clock.

Held at New Castle, by adjournment, May 16th, 1695.

Present, The Lt Govern^{r},

Nath. Fryar,	Esqs.	Nath. Wear,	Esqs.
Robt Elliott,		Richd Waldron,	
Hen. Green,			

Robt Elliott and Richard Waldron was apointed by vertue of a Dedimus Potestatem to administer the oaths apointed, to John Woodman, William Furber, who had not been sworn of the Assembly, which was accordingly done. The Lieut. Govern^{r} sent to know whether they had made

choyce of a Speaker. The other House came up and presented Mr Geo. Jaffrey's their Speaker, who was accepted by the Lt Governr.

The Lt Governor presented his speech to *to* the assembly. The petition of Duncan Cambell in behalf of Andrew Hamilton, Esqr., Dept Post Master General for his Maj'tys Colonies and Isles in North America, requesting both Houses' consideration for some encouragement of the Post Office, was read in Council and sent down to the Lower House for their consideration.

Held by adjournment, May 18th, 1695.

Present, The Lieut. Governr,

Nathl Fryar,	Esqs.	Peter Coffin,	Esqs.
Robt Elliott,		Nath. Wear,	
Hen. Green,		Richd Waldron,	

The Assembly being sent for up to this Board, the Lieut. Governr was pleased to recomend to their consideration the necessity of raising of money for the suport of the Governmt and the defense of his Maj'ties subjects inhabiting this Province against the French and Indian enemie.

Held by adjournment May 20th, 1695.

Present, The Lieut. Governr,

Nathl Fryar,	Esqs.	Willm Vaughan,	Esqs.
Robt Elliott,		Richd Waldron,	
Peter Coffin,			

A Bill was sent down to the Lower House for Impowering the Selectmen in each Town to provide bread by an assessment on the Inhabitants, to be ready four days' march of those sold'rs already (or to be) imprest, to march upon the attack of the enemie, which was assented to by the Lower House.

[P. XXII.] Held by adjournm^{t}, May 21st, 1695.

Present, The Lieut. Govern^{r},

Nathl Fryar, Peter Coffin, Robt Elliott, } Esqs. Wm Vaughan, Richd Waldron, } Esqs.

The Lieut. Govern^{r} proposed that a comitty might be apointed to draw up the acts for what Bills are past. Accordingly Mr Vaughan, Ric^{d} Waldron, Esq., were made choice of and recomendations were sent to the other House for choice of two of their House to join them. The Lower House made choice of Elias Stileman and John Pickring.

The Lower House sent up a Bill for settling a salary of 12 pounds for the year ensuing for encouragement of the Post . . . . in answer to Duncan Cambell's petition, provided the Post be kept.

Held by adjournment May 21st, 1695.

Present, The Lieut. Govern^{r},

Nathl Fryar, Robt. Elliott, Hen. Green, Nath. Wear, } Esqs. Willm Vaughan, Richd Waldron, } Esqs.

The Comitty apointed to draw up those acts that had been prefered by Bills, made their returns, and they were sent down to the Lower House for their concurrence. The said Bills was past by both Houses and ordered to be Ingrost.

Held by adjournment May 24th, 1695.

Present, The Lieut. Govern^{r},

Nath. Fryar, Robt Elliott, Peter Coffin, Hen. Green, } Esqs. Nath. Wear, Wm Vaughan, Richd Waldron, } Esqs.

The Lieut. Govern^{r} gave his assent to, signed these three Bills past into acts, viz.:

1. An act for allowing £12 00 00 to the Post for Incouragem^{t} for the year ensuing, provided the Post be kept.

2. An act impowering the Selectmen in each town to provide bread for four days' march of the Soldiers imprest.

3. An act for Regulating of Publick Houses of Entertainment.

At a General Assembly held at New Castle, by adjournment, September 11th, 1695.

Present,

Nathl Fryar,	Esqs.	Hen. Green,	Esqs.
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

[P. XXIII.] Both Houses being met, this Board sent down to see if the other house had anything to offer; and nothing offering, adjourned till to-morrow, 1 o'clock.

Held Thursday, 12 of Sep^{t}, 1695.

Present, The Lieut. Govern^{r},

Nathl Fryar,	Esqs.	Nath. Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robert Elliott,		Richd Waldron,	
Hen. Green,			

The Lieut. Governor sending for the Lower House up, delivered them his Speech in writing, for their consideration, as to the matters laid before them at their last session.

Held by adjournment, Friday, 13th September, 1695.

Nath. Fryar,	Esqs.	Nath. Wear,	Esqs.
Robt. Elliott,		Wm Vaughan,	
Hen. Green,		Rich. Waldron,	

A vote for reviving the act for defraieing the publick charge of the Province, intitled an Act for raising a Revenue, past both Houses and ordered to be Ingrost.

Two Bills, one for raising three hundred pounds money, and another for £100, past both Houses and ordered to be Ingrost.

Robert Elliott and Nath[l] Fryar were apointed by this Board to joyn with Major Stileman and John Pickring to draw up the Bills.

Held by adjournment, Sept. 14th, 1695.
Present, The Lieut. Govern[r],

Nath. Fryar,	Esqs.	Nath. Wear,	Esqs.
Robt. Elliott,		W[m] Vaughan,	
Hen. Green,		Rich[d] Waldron,	

Both Houses being met, these two Bills, viz., A Bill for raising £300, A Bill for continuing the Impost, was read & assented to by the Lieut Govern[r].

Capt. Walton's acc[tt] laid before the Council, amounting to £83: 19[s]: 0[d] was allowed,—£50: 00: 00 in part order of & p[d]. W[m] Redford, Dep[t] Sec[y], his acc[tt] in full to the sixth of this inst., Am. to £19: 17: 9, allow'd.

Prorogued until the second Wednesday in June, 1696.

Dissolved by Proclamation.

At a Council & Assembly begun and held at New Castle, on Wednesday, November 6th, 1695.

[P. XXIV.] Being present, The Lieut Govern[r],

Nath. Fryar,	Esqs.	W[m] Vaughan,	Esqs.
Peter Coffin,		Rich. Waldron,	
Robt. Elliott,			

Ordered, that Robt. Elliott and W[m] Vaughan, Esqs., be commissionated by Ded[m] Protestatem to the oaths apointed to the members elected and returned of this Assembly.

Accordingly the Oaths appointed were given, and the

Test subscribed and repeated by Messrs. Geo. Jaffrey, John Woodman, John Pickring, Tho. Cobbitt, Shadrack Walton, John Plastead, Wm Furber, Jno. Hall, Daniel Tilton, Theop. Dudley, Moses Levitt, Josias Sanborn.

The Lieut. Governor sent the Secretary to the Lower House and recommended to them the choice of a Speaker. The House presented Mr. Geo. Jaffrey their Speaker, who was accepted.

Adjourned to Thursday, 12 clock.

Held by adjournm^{t} Thursday,
November 7th, 1695.

Being present, The Lieut. Govern^{r},

Nath. Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Rich. Waldron,	

The Lieut. Govern^{r} having sent for the Lower House, made a speech to them (viz.):

Gentlem^{n} : I proposed for raising of money for support of the Hon^{r} of the Government & security of the Province, or your advice wth the Council, what way I may propose to lay before the King.

The King expects none should serve him at his own expense, & I am fully satisfied yor Taxes and Rates are not so great as those at Boston, for a person of 50^{lbs} rent here pays but 10^{lbs}, and at Boston about £20; So I demand you of the Assembly your advice here with the Council.

They desired to debate the matter in their own House, distinct. Granted.

The Lieut. Govern^{r} sent for the House, and demanded their advice as to what way he might propose to the King.

Answered, they can propose no way.

The Lieut. Govern^{r} declared he must return to the King they would not give advice as to the proposing a way, and lay before the King the true state of the Province.

The Lower House presented a vote to send to the Governor at Boston, for 40 men.

The Lieut. Govern^{r} demanded of the [P. XXV.] Assembly, f they judged it absolutely necessary to have 40 men for security of the frontiers of the province; and that men be posted in the out places. Answered, Yes. Adjourned to Friday, 12 clock.

Held by adjournm^{t}, Friday, November 8th, 1795.

Being present, The Lieut. Govern^{r},

Nathl Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Nath. Wear,	
Robt Elliott,		Wm Vaughan,	
		Rich. Waldron,	

Peter Coffin and Hen. Green, Esqs., being apointed a comittee to joyn with two of the Lower House to draw up a Bill of £400 to be raised for the payment of soldiers detached for his Maj'tys' service in the Province, made their return, and the Bill was sent down to the other House for their concurrence.

The Assembly past the Bill and sent it up. Ordered by this Board that the Bill be amended agst to-morrow. Adjourned to Saturday, nine o'clock.

Held by adjournm^{t}, Saturday, November 9th, 1695.

Being present, The Lieut. Govern^{r},

Nath. Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Nathl Wear,	
Robt. Elliott,		Wm Vaughan,	
		Richard Waldron,	

The Lieut. Govern^{r} having proposed unto the Assembly for raising of money for support of the Hon^{r} of the Government on Thursday, the 7th inst., the Lower House sent the following answer:

To the Honble the Lieut. Govern^{r} of his Maj'ty's province New Hampshire.

The Representatives convened in General Assembly having taken into consideration w^{t} recommended by your Honor, do most humbly offer as followeth:

That considering the p'sent state of this his Maj'ties Province, being exposed & in danger of an invasion of our ffrench & Indian enemie, that we are necessitate only to apply ourselves to the consideration of raising what móney we can for the defence of this his Maj'tys province, which yet we fall far short of what is necessary; Wee not able, therefore, not capable to do anything towards the supporte of the Hon^{r} of the Governm^{t} although sensible your Honor has been at great Charge: therefore, do most humbly pray y^{r} Hon^{r} wth the advice of the Council, will please to spread before his most excellent Majesty the poverty and danger of this his Province, That such methods may be taken for support & defence of the same, as in his most Royal wisdom may be judged most meet.

Upon which the Lieut. Governor made the following proposals:

[P. XXVI.] *Gentlem^{n}:* It was proposed to raise money for support of the Honor of the Governm^{t} & security of the place, or else your advice what way I may propose to lay before the King; and your answer you can propose no way: I do therefore recommend to your consideration to raise money for those ends, viz. To lay a duty upon all Boards & staves at 3s. per M. upon all that is exported out of the river to any of his Majesty's Plantation Governments. Additional duties of impost to be pro rata with the Massachusetts Government, viz:

English Goods,	10^{s}	p ct.
Rum,	£2: 16: 8	p Hhd.
Madara Wine,	1: 7: 0	p pipe.
Fyal "	1: 0: 0	p pipe.

A vote was sent up from the Lower House, that an Act might be passed to give unto his Maj'ty, his Heirs and successors, for support of the honor of the Governm^{t} & de-

fence of this his Maj'ty's Province, the several duties & impost upon the comodities following, to be exported out or imported into this Province, for the space of one year, to commence from the first day of December next following, viz.: For each M. boards and each M. of Hhd. Staves one shilling p. M. money; each M. Red oak Hhd. Staves and w^t oake bbl. staves, 8^d p. M.; each M. of white oake pipe staves 16^d p; for mast yards and Bowsprits transported beyond sea, from twenty inches and upwards, 4^d for every inch diameter, and additional duty of impost upon each pipe of Wine and Hhd. Rum five shillings; provided always & with this limitation that the Honble Lieut. Governor and Council do join with the Representatives convened in General Assembly humbly to petition his most excellent Maj'ty that, considering the poverty & danger of this Province, being not able of ourselves to support a separate Government, to pray that we may be annexed to the Massachusetts Government, or otherwise, as his Majesty in his Royal wisdom shall think meet.

The Lieut. Governor proposed to the Assembly, (viz.):

Gentlem^n: Having at your first sitting proposed for raising of money for passing of yor Laws in England, least by reason of want of due application your Laws be rejected; desire your answer to the same.

The Assembly answered, they had considered what proposed; but find the Province was not capable to raise more money at present.

The Lieut. Governor proposed, if Boston should not send men, whether he should write to the King for men.

Refused to answer.

The Lieut. Govern^r ordered the Letter sent to Lieut. Govern^r Stoughton with the minitt of Council of Octob^r 30th, at Hampton, to be read as followeth.

Desired by the Board that aplication might be made to Lieut. Govern^r Stoughton for 25 men to be sent from that [P. XXVII.] Government for his maj'ty's service & security

of the frontiers of this Province; paying their part of wages according to former agreement.

[LETTER.]

October 30th.

Honorable Sir: This day in Council, as per minute inclosed, the Board desired your Honor's favor for the service of his maj'ty & securitie of this Province, upon the terms formerly agreed, that your Hon^{r} would be pleased to order 25 men for the same. Sir, please to let me have an answer by the Express sent, desiring the same wth all expedition may be dispatch^{t}; in which you will oblige your most humble servant, J. U.

Lieut. Govern^{r} Stoughton's Letter, 7th November, in answer to this Board of October 30th, was read to both Houses (viz.):

Hon'ble Sirs: I am commanded by the Honble the Lieut. Governor, to acquaint you he has advised with the proposals made by yourselves for 25 men which you desire may be sent for the securitie of the Frontiers within your Province, you paying a part of their wages according to former agreements, and to assure you the same readiness is in himself & the Gentle^{n} of the Council here to give you what assistance they reasonably may (as they have always been) for defense of his Maj'tys interest with you as need shall require. But on consideration of the great standing charge of this Province, wch is almost insupportable, and the many advantages wch yor Province has, and considerable number of men above what are in the remote parts of this, Its thought not so equal a proposition that y^{r} Frontiers be enforced at the charge of y^{r} neighbors, who are already so greatly oppressed with the fatigue of the war, besides the difficulty there is in raising men here, so many being wasted by the war, sickness and other calamities, and removed into other parts. Some of y^{r} towns, especially Hampton, are numerous in men and not so exposed but that there may be drawn thence, for the defence of the frontiers as a constant guard. What shall be farther necessary to relieve you if the enemy come to press upon you, will be cheerfully afforded upon application from y^{r}selves. By com^{d} of his Honor the Lieut. Govern^{r}, &c.

ISA: ADDINGTON, Secry^{t}.

The Lower House being withdrawn, the Lieut. Govern^{r} asked the Board if they had any thing to offer. The Board were silent.

The Bill for the £400 Rate being Ingrost, past both Houses, and was assented to by the Lieut. Govern^{r}.

The Lieut. Govern^{r} adjourned the House, and sent the Secretary down to acquaint the Assembly of the same [XXVIII.] that they might adjourn their House to the same time. Adjourned until the second Wednesday in July next, July 8th, 1696.

At a Council and General Assembly held by adjournment, at New Castle, Wednesday, July 8th, 1696.

Present, The Lieut. Govern^{r},

Nath. Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Richd Waldron,	
Robt. Elliott,			

The Lieut. Govern^{r} sent for the Lower House; both Houses being met, the Lieut. Govern^{r} recommended the Assembly to consider of what lay before them their last session. Adjourn^{d} to Thursday, ten of the clock.

Held 9th July, 1696.

Present,

Nath. Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Nath. Wear,	
Robt. Elliott,		Richd Waldron,	

A vote from the Lower House sent up for drawing up a Bill for administering the Oaths apointed by act of Parliament to all male persons from sixteen years old and upwards, throughout the Province. Past both houses.

Held July 10th, 1696.

Present, The Lt Governr,

Nath. Fryar,	Esqs.	Nath. Weare,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	
Hen. Green,			

Major Wm Vaughan and Mr. Richd Waldron, Esqs., were apointed a comitty to draw up the Bill for administering the oaths, and John Pickring and John Plaisted were appointed to join with them.

A vote for encouragemt soldiers that are maimed past both Houses. Peter Coffin and Hen. Green apointed to draw up the said Bills, & John Woodman & Theophilus Dudley appointed to joyne.

A Bill was sent up to desire that aplication might be made to the Government of the Massachusetts for 50 men. Desired that an Express might be sent to Boston accordingly.

Held July 13th, 1696.

Present, The Lieut. Governr.

Nath. Fryar,	Esqs.	Wm Vaughan,	Esqs.
Robt. Elliott,		Richd Waldron,	
Hen. Green,			

[P. XXIX.] The Lieut. Governr being present sent for the other House and acquainted them with his proceedings, for understand the state of the Province & in taking care of the security of his Majesty's subjects here by visiting all the Garrisons, & declared the inhabitants desired the continuance of the soldiers.

Whereas the Assembly desired that fifty men might be sent for from Boston to range the frontiers of this Province at the charge of the same; The Lieut. Governr ordered the letters to be read, which was to signify they could not supply with men from Boston Governmt.

The Lieut. Governr having laid before the Assembly the

methods he had taken for security of the Province & of his Maj'tys subjects, demanded of them to know what irregular methods he had taken in the managem^{t} of affairs for the preservation of the same. Answered, they know of none but what was for the good of the place.

The Lieut. Govern^{r} demanded of both Houses if he had taken any wrong methods, or ill conduct in the managem^{t} of affairs in the Governm^{t}. Answered noe. The Lef^{t} Govr demanded of both Houses whether three of the Assembly was a House & could adjourn, and whether it was legal. Answered that there was no prefixt number appointed, and that it was legal.

Held July 18th.

Present, The Lieut. Govern^{r},

Nath. Fryar,	Esqrs.	Nathl Wear,	Esqrs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	
Hen. Green,			

Several votes and Bills being read the Lt Govern^{r} desired they might be past & fitted to be Ingrost, and test the house to adjourn themselves (viz.), A vote of raising six hundred pounds; a vote to continue the Law about the Post, &c.; a vote for settling a Ferrie between Portsmo' & N. Castle.

Wm Vaughan & Richard Waldron, Peter Coffin and Robt. Elliott, were apointed comitty to draw up the said Bills; and Wm Furber, John Pickring and John Plaisted & John Woodman were appointed to joyn them.

Held by adjournment July 23^{d}, 1696.

Present, The Leifete. Govern^{r},

Nathl Fryar,	Esqrs.	Wm Vaughan,	Esqrs.
Peter Coffin,		Richd Waldron,	
Robert Elliott,			

The Leift. Govern^{r} sent for the Lower House and the

several Bills being read the Lieut. Govern^{r} assented to, (viz.):

An act for the payment of the care of wounded soldiers.

An act for administering the oaths, &c.

An act for settling a Ferrie, &c.

An act for continuance of the Law about the Post, &c.

[P. XXX.] Whereas there was a Bill offered for raising of six hundred pounds for payment of debts due to the soldiers & subsistance and for keeping out of thirty men three months to range the frontiers, The Lieut. Governor sent for the assembly and desired to know the meaning of the six hundred pound Bill; whether if he should press 40 or 50 men besides the 30, whether they should be paid out of the 600 lb. Answered, noe.

The Lieut. Govern^{r} declared they having sent formerly to Boston for 50 men, and declared it to be of absolute necessity, and now to tie up but to thirty men, judged it an infringing of the King's prerogative, & did acquaint them that unless they would put the 30 men & grant the Bill in general for his Maj'ty's fort and payment of the King's soldiers in service, he should not accept of the Bill.

The Assembly desired the Bill to consider of it, wch was delivered to them. After some time the Assembly and both Houses met. The Lieut. Govern^{r} demanded if they had considered of the Bill. The speaker of the House answered they had, and could not alter it. Upon which the Lieut. Govern^{r} declared they were going about to deprive him of the power of the King's prerogative, wch he was invested with, & therefore did dissolve them; & in his Maj'ty's name they were dissolved.

At a General Assembly begun and held at New Castle, September 16th, 1696.
Present, The Lieut. Governr,

Nathl Fryar,	Esqrs.	Henry Green,	Esqrs.
Peter Coffin,		Shadrach Walton,	
Robt. Elliott,			

Nathl Fryar & Shadrach Walton, Esqrs., appointed by Ded. Potestm to present the Association to be signed and to administer the oaths appointed to the members of the Assembly, made their return; That the persons following signed the Test and Association & took the oaths appointed: Jno. Plaisted, Samuel Levitt, Jno. Redman, David Larans,* Jno. Hall, Tho. Chesley, Richd Jose, Theodore Atkinson, John Tuck, Samuel Dow & John Hatch.

The Lieut. Governr having recommended to the Assembly the choice of a speaker, presented John Plaisted.

Both Houses being met, the Lieut. Governr made this speech:

You Gentlemen of the Council and Representatives,—now assembled,—Having in the last Assembly laid before them the absolute necessity of raising money for the defense & support of the Honr of his Maj'ty's Governmt, notwithstanding all which there is nothing done; Had I not out of my own estate advanced money for provisions for the out garrisons, from March to August last, the soldiers there being posted must have needs been drawn off and the Frontier Garrisons [P. XXXI.] deserted: You are not unacquainted how the enemy lately designed an attack both by sea & land, and had not God strangely diverted them, they might have been masters of this place; which God forbid! and am informed they design to be here early the next Spring.

Upon my now coming into this Province, I sent for all the Militia officers to know the state of the place & what was proper to be done; they signified the country was indebted five hundred pound, & that it was of absolute necessity provision was made for subsistance and pay of the soldiers for time to come, and some effectual care might be taken that provisions may lye ready, and the charge of the towns, for a march of three or four days upon the attack of

* Lawrence?

the enemy; and for effecting the same, humbly offered that an Assembly might be called; wch Assembly you are. There is likewise absolute necessity raising money for securing of his Maj'sty's Fort and Stores, considering how much your safety depends thereupon.

In case the Frontier places be deserted & his Majesty's Fort lost by reason of not due care taken for security & defense of the same, the fault will sorely lye at your doors! Doe acquaint you what money you shall rayse, shall goe to these ends for wch raysed, and shall be willing the same shall be security for those that shall advance money for the use and ends afores^d^.

I offer to y^r^ consideration that you would propose wages for suport & defense of this governm^t^, that I may by this conveyance lay the same before his sacred Maj'ty.

As to the King's prerogative, which by his Royal Commission I am invested with, I shall in nowise part with; and on the other hand, his Maj'ty's subjects' Liberty and Property neither will I infringe.

Desiring you would take into serious consideration & be expeditious in dispatching what's laid before you, wherein the happiness and benefit of his Majesty's subjects in this government doe so much depend,

Vote from the Assembly to desire that the Honble the L^t^. Govern^r^ would send out Warrants to make choice of two men in the room of Mr. Pickring & Mr. Clements.

The Lieut. Govern^r^ declared to the house, they should send for them to their house; for their refusal ought to be before the house. Answered, they had no officer to send.

The Lieut. Govern^r^ told them if they desired it, he would apoint a Messenger, and that he would strengthen them in any thing they desired for the Liberty and Property of the Subject.

Held by adjournment,
September 19, 1696.

Present, The Lieut. Govern^r^,

Nath. Fryar, Peter Coffin, Robt. Elliott, } Esqrs. Hen. Green, Shad. Walton, } Esqrs.

[P. XXXII.] A vote for raising six hundred pounds past both houses. Mr. Elliott and Hen. Green, Esqrs., apointed comitty to draw up the said Bill. Richd Jose and Sam^{ll} Levitt apointed to joyn with them. Prorogued to sit at Hampton, Tuesday, the 22^{d} inst.

Held by Prorogation at Hampton,
Tuesday, September 22^{d}, 1696.
Present,
The Lieut. Govern^{r},

Nath. Fryar, Robert Elliott, Hen. Green, } Esqrs.
Nath. Wear, Shad. Walton, Joseph Smith, } Esqrs.

The Lt Governor sent for the other House, & again recommended to them his last speech, & desired their speedy dispatch.

Held September 23^{d}, 1696.
Present, The Lieut. Govern^{r},

Nath. Fryar, Peter Coffin, Robt. Elliott, Hen. Green, } Esqrs.
Nathl. Wear, Shad. Walton, Joseph Smith, } Esqrs.

A particular acc^{tt} of what debts are already due from the Province recommended to the Assembly for their consideration (viz.):

To 40 Soldiers in Garrisons, Pay & subsistance from the last payment the 8th April to the 8th Octob^{r}	£520 00 00
To Capt. Walton for himself and soldiers at the King's Fort to 10th May last . . .	061 11 00
To Capt. Walton for himself and soldiers from 10th May to 10 November next	091 15 00
To due to sundries whose acc^{ts} are ready past . .	022 00 00
To John Battsen for mending the house at the Fort	005 00 00
To a flag for the King's Fort	016 00 00
To due to balance the Treasurer's acco^{tt} . . .	021 6 4
	£737 12 4

A vote was sent up for continuing the act of Impost & Excise, and a vote to give unto his Maj'ty the sum of six hundred pounds for payment of soldiers and subsistance for time past, & to come.

The Assembly sent up an answer to the Lt Govern^m^ speech (viz.), That they was very sensible of the necessity of raising money for pay & subsistance of the soldiers, but such was their poverty & scarcity of corn, and noe prospect of a better crop this year, that they could raise no more at present than £600 : 00 : 00, as see our file.

A vote was sent to the Assembly that an humble address might [P. XXXIII.] be made to his most Sacred Majesty to send a General Govern^r^ over these his Governments, and to annex us as in his princely Wisdom as he shall see meet.

Held by adjournm^t^,
September 24th, 1696.

Present, The Lieut. Governor,

Nath. Fryar, Peter Coffin, Robt. Elliott, } Esqrs.
Hen. Green, Nath. Wear, Joseph Smith, } Esqrs.

The Lieut. Govern^r^ desired Robt. Elliott and Joseph Smith, Esqrs., to carry the following acco^ts^ to the Assembly, and lay before them the necessity of raising money for those ends, or else the men must be drawn off and the Frontiers deserted, or that provisions must be impresst (viz.):

For a place for the King's stores	£55 00 00
For 6 1-2 m^o^ for the soldiers' subsistance & pay . .	520 00 00
For Capt. Walton and soldiers at the Fort 6 1-2 months from 10th November next	91 15 00
For the standing Post	12 00 00
For extraordinary expresses, about	15 00 00
Other petty charges	7 00 00
	£700 15 00

In answer to which the Assembly sent the following vote, viz.:

In answer to an account brought before this House for raising of more money to lye in stock, we, considering the poverty of the people in this Province, for which we refer your Honor to our answer given to the Lieut. Govrn^{ts} speech, & considering all those circumstances, shall be able to doe no more at this time. By order of the Assembly.

Richd Jose, Clerk.

The Lieut. sent for the Lower House, and gave his assent (viz.):

To an act for reviving and continuing the Impost and Excise;

To an act for raising 600 lbs. for payment & subsistance soldiers.

The Lieut. Govern^{r} demanded of the Assembly if they had any thing further to offer. Answered, no.

The Lieut. Govern^{r} made a Speech to both houses & delivered it to the Assembly, viz.

Gentlemen of the Council and Representatives:—It is by virtue of his Maj'ty's Royal Commission you are impowered to raise money for defense of the places & carrying on of affairs both for maintenance of yor ministers & defraying of Town charges, the which to this day you have had power by the same, many hundreds of pounds have been raised for the ends afores^{d}.

It being now about four years since I arrived with his Maj'ty's Royal Commission, and at the charge of the Province have not had a house provided to lye in, nor one meal's meat, nor one drop of drink, [P. XXXIV.] though you know I have spent many hundreds of pounds out of my own estate for his Maj'ty's service.

Do now recommend to your consideration the raising of money for respect to, and support of, his Maj'ty's Royal Commission; as all other his Maj'tys Governm^{ts} do. Your positive answer hereto I demand.

JOHN USHER, L^{t}. Governor and Commander-in-Chief.

The Lt Governor having recommended the foregoing speech to both houses, the Council sent to the Assembly the following speech (viz.):

Voted, That although the Board is sensible of our Poverty & the many straits that is upon many this time of war, and the scarceness of crops that by Providence we lay under, yet we are of opinion that it is necessary to manifest our loyalty to his Maj'ty and gratitude to the Hon'ble Lieut. Govern^r that is so by Royal Commission, that money be raised according as we are able for support of his Maj'tys Royal Commission for the Government of this Province.

In answer to the Lieut. Governor's speech the Assembly sent the following answer:

To the Honorable John Usher, Esq., Lieut. Governor of His Majesty's Province New Hampshire:—The Representatives in General Assembly, having taken into consideration what yor Hon^r hath recommended unto us, do most humbly answer as followeth:

That considering the present state of his Maj'ty's Province being so exposed in danger of an invasion both by sea and land from the French and Indian enemie, that through our extreme poverty & scarcity of bread for the year past, and noe greater hopes for the year to come, we are necessitated only to apply ourselves to the consideration of raising what money we can for the defense of this his Maj'ty's Province, which we fear through our poverty shall fall far short of what is necessary; therefore not able to doe any thing for support of the Hon^r of the Governm^t, although sensible your Honor hath been at great charge: Therefore do most humbly pray that your Honor, with the advice of the Council, will be pleased to spread before his most sacred Majesty, That it will be much better for defense of this Province to be annexed to Boston, if he in his Royal Wisdome shall see meet.

Signed by order of the Assembly.

RICHD. JOSE, Clerk.

The Lieut. Govern^r sent for the House of Representatives; both houses being met, The Lieut. Governor declared: [P. XXXV.]

Gentlemen,—You having declared there is nothing to offer from your House:

It having been laid before you how on the 10th of November next, there will be due for payment of soldiers in the Garrisons &

at his Maj'ty's Forts, together with other debts due from the Province, Seven hundred thirty seven pounds, twelve shillings, 4d.

There is likewise a Bill presented to you from this Board, how that for pay & subsistance of soldiers for six months to come will amount to seven hundred pounds, fifteen shillings, particulars for which you have had, together with an accots in case money be not raised the Garrisons must be drawn off, or men with provisions must be imprests; & though the same is for your own preservation you will raise no more than six hundred pounds, which is one hundred pounds short of what the country is indebted.

If for want of money for provisions the Country be lost, the blamable cause will lye at your door. I shall lay the same before the King by this conveyance, and shall wait for orders and directions from him. So, Gentlemen, I dissolve you, and in his Majesty's name you are dissolved.

At a Council and General Assembly held at New Castle, for the Province New Hampshire, 5th June, 1697.

Present, John Hincks, Esq., President,

Nath. Fryar,	Esqrs.	Nathl Wear,	Esqrs.
Robt. Elliott,		Wm Vaughan,	
Hen. Green,		Ricd Waldron,	

Ordered, that the Secretary make a dedimus Potestatem to Robt. Elliott & Richd Waldron, Esqrs., to give the oaths appointed instead of ye oaths of allegiance & supremacy & ye test to the Assembly.

Capt. John Pickring, Mr. Jno. Plaistead, Mr. Saml Keas, Capt. Jno. Gerrish, Capt. Jno. Gillman, Mr. Symon Wiggins, Mr. Theodr Atkinson, Mr. Wm Seavey, Mr. Ephr. Marston, Mr. John Redman, Mr. Benj. Browne, were all sworne of the Assembly pursuant to the above written order, by Robt. Elliott & Richd Waldron, Esqrs.

The Assembly came to this House and presented Capt. Jno. Pickring for their Speaker, who was allowed of accordingly.

The President made a Speech and gave a coppy to the Assembly as on file.

Adjourned tomorrow morning 10 o'clock.

At a General Assembly held by adjournment, to this present Wednesday, 9th June.

[P. XXXVI.] Present, John Hincks, Esq., President,

Nath. Fryar,	Esqrs.	Wm Vaughan,	Esqrs.
Robt. Elliott,		Richd Waldron,	
Hen. Green,			

Major Vaughan, as Treasurer, gave in the Province accott to the Council, & after perusal & approving of it was delivered to the assembly.

The Sheriffe complaining that the want of a prison in the Province renders him incapable of performing his office; Ordered, that he forthwith take up ye Fort on Mr. Tho. Grafford's hill at Portsmouth for that use, & see it fitted accordingly, ye charge thereof to be paid out of ye Treasury & the owner to be allowed reasonable rent for ye same, until further order. Past by President and Council and sent to the other house per Mr. Wear. Said Bill was sent up to this Board by the other House, and consented unto, allowing 40 shillings per annum, sent & past by ye Council. Adjourned to-morrow morning 10 of the clock.

At a General Assembly at New Castle adjourned to this present Thursday, 10th June, 1697.

Present, John Hincks, Esq., Presidt,

Nath. Fryar,	Esqrs.	Nathl Wear,	Esqrs.
Robt. Elliott,		Wm Vaughan,	
Hen. Green,		Richd Waldron,	

Ordered, that publick notice be given ye inhabitants of & in ye respective towns of this Province by Captains thereof, that whosoever has servd as a soldier or disbursd any thing for ye publick, that is not yet paid, may bring in their claims to a comittey appointed to receive the same, who set at Portsmo at the house of John Pickring, on Monday the 21st of this instant June, and yt ye said Committee consist

of two members of ye Council & two of the assembly; the gentlemen chosen of the Council are Wm Vaughan and Richd Waldron, Esqrs.; those of the assembly, Mr. John Plastead, Mr. John Redman; and that ye s^{d} Committee make report of their doings herein to the Council at New Castle, on Wednesday, 23^{d} current.

To the Captains of the several Towns:

The above is order of Council and Assembly which you are forthwith to publish by beat of drum, & then set up on y^{or} meeting house or other public place, that no person may plead ignorance, & bring on any after claims. Adjourned to the 23^{d} inst. at 2 o'clock in the afternoon, at New Castle.

At a Council and General Assembly,
held by adjournment, to this present
Wednesday, 23^{d} June, 1697.

Present, John Hincks, Esq., Presid^{t},

Nath. Fryer,	Esqs.	Wm Vaughan,	Esqs.
Robt. Elliott,		Richd Waldron,	

[P. XXXVII.] Adjourned to-morrow morning, 10 of the clock.

At a Council and General Assembly,
held by adjournment, this 24th June.

Present, John Hincks, Esq., Presid^{t},

Nath. Fryer,	Esqs.	Nath. Waer,	Esqs.
Robt. Elliott,		Wm Vaughan,	
Peter Coffin,		Richd Waldron,	

The committee appointed to receive all claims due to any person from the Province. The return was accordingly given to the Council & sent to the Assembly. The Council adjourned to-morrow morning, 10 of the clock.

At a Council and General Assembly, held per adjournment to this present Friday, 25th June, 1697.

Present, John Hincks, Esq., Presidt,

Nath. Fryer,	Esqs.	Nath. Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Rich. Waldron,	

Treasurer Partridge, Esq., bringing in his accotts (as formerly Treasurer of this Province) to the Council, they approving of said accotts & balancing the same, to be due to the Province 44lb : 17 : 9; the same accotts being sent to the Assembly, and after perusal, the speaker returned them to this Board with their consent and approbation of the same. Adjourned to-morrow morning, 10 of the clock.

At a Council and General Assembly, at New Castle, held by adjournment this 26th June, 1697.

Present, John Hincks, Esq., Prest,

Nath. Fryer,	Esqs.	Nath. Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	

A Bill sent up from ye other House for raising money to defray the publick charge, the Council assenting thereto, and chose Wm Vaughan and Richd Waldron, Esqs., to join with two of the Representatives to draw a Bill for raising 650lbs in equal proportions to ye respective towns, according to the last Province rate, & leave it to ye Assembly to choose two of their members accordingly.

A Bill sent up from the other house for restraining the keeping of horses and horse kind, otherways than in the person's own inclosures.

A Bill sent for repealing that part of an Act made in 1694, relating to ye allowance of 4 public Houses and no more, in each town,—both past by President and Council.

A Bill from ye other House about town bounds, with some amendments passed by the Council & sent to the other house for those Bills. Hen. Green and Nathl Wear, Esqrs., from this house, are appointed a Committee to join with two of the other house to draw up the Bills. Adjourned to New Castle, on Wednesday next, the 30th instant, 2 o'clock afternoon.

At a Council held at New Castle, per adjournment, 30th June, with the Assembly.

Present, John Hincks, Esq., Presid^t,

Nath. Fryer,	Esqs.	Nathl Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	
Hen. Green,			

[P. XXXVIII.] Several Bills brought up from ye other house & returned with some amendments. Adjourned to-morrow, 10 o'clock.

At a Council and General Assembly, per adjournment, Thursday, primo July, 1697.

Present, Ut Supra.

Bill sent up about altering of fees. The Council resolved no alteration to be made thereon for the present, & returned the Bill to the other house.

Bill sent up from ye other house about records, &c., returned to ye other house with this amendment: That all records of all kinds, belonging to this Province until the time of Lt. Govern^r Usher's arrival, be deposited in the hands of Major Wm Vaughan, Esq., he giving copies to any that have occasion, taking ye usual fees.

Several Bills sent from ye other house & returned with some amendments. Adjourned to-morrow morning, 10 clock.

At a Council and Assembly per adjournment, Friday 2d July, 1697.

Present, Ut Supra.

Several Bill sent up by ye other house & confirmed per ye Council and past into Laws (viz.):

A bill to raise 650lbs subsistance, and pay of soldiers, &c.

A bill for fettering of horses.

A Bill additional about the excise.

A bill about records.

A bill for allowing more houses of entertainment.

A bill about the prison, — all past into Laws.

Two bills, as on file, about ferridges between Portsmouth and Province of Maine for Major Vaughan and Mr. Fryer, not past by Assembly. After the passing those several Laws, the President & Council prorogued the Assembly unto primo die September, 1697.

HEN. PENNY, Secry.

At a Council and General Assembly held at New Castle, by prorogation, to this present Wednesday, primo 7bris, 1697.

Present, Jno. Hincks, Esq., Prest,

Nath. Fryer, Peter Coffin, Robt. Elliott, } Esqs. Wm Vaughan, Richd Waldron, } Esqs.

Whereas application has been made by the assembly to the President and Council, showing that whereas at ye last sessions of the General Assembly, money was given for pay and subsistance of the Mattathusetts soldiers in his majesty's service in this Province, the 1st instant, and yt none is yet paid, that the Treasurer may cause forthwith the several Constables throughout this Province to bring in the first part of each of their respective rates, that so the

Mathathuset soldiers be paid & dismissed, to lessen the Province charge.

Ordered, that Major Wm Vaughan, Treasurer, do forthwith send his warrants accordingly to each respective Constable in this Province to bring in ye same by ye 10th of this instant 7bris., otherwise they may expect the utmost severity of the Laws.

In answer to a petition from the selectmen of Dover to the Presidt, Council and Assembly, concerning David Hamilton's being town charge; and therefore pray that what estate and movables the said Hamilton hath left, that the selectmen may have power to dispose of the same for the said Hamilton's subsistance: Public notice having been given to the relations of said Hamilton by order [P. XXXIX.] of Council, that they should appear at this General sessions & Assembly, if they had any thing to object against said Petition, why it should not be granted; but none appearing,

Ordered, That the selectmen are hereby impowered to make sale of part or all the lands or other estate within the town of Dover belonging to the said Hamilton, and improve the same for his maintenance.

Assembly prorogued to the 1st Tuesday of October next.

At a Council and General Assembly, by prorogation, held at New Castle, this present Tuesday, 5th 8ber, 1697.

Present, John Hincks, Esq. Presidt,

Peter Coffin, Robert Elliott, Nath. Weare, } Esqs. Wm. Vaughan, Richd Waldron, } Esqs.

After the perusal and adjusting several accotts, and ordered by the Council, the secretary to desire Lieut. Governr Partridge to send to the Council the Commission & Instructions. Adjourned to 10 of the clock to morrow morning.

At a Council and General Assembly, per adjournment to this present Wednesday, 6th October, 1697.

Present, Ut Supra.

The Secretary delivered to the Council the Commission and Instructions as was ordered, and left it with ye President. Robt. Elliott and Nath. Waer, Esqs., are appointed a Committee to join with two of the Gent. of the assembly by them chosen, to examine ye accts of all disbursements & service done within this Province, & to make report thereof to the Council & Assembly tomorrow, at 2 of the clock in the forenoon. The Assembly chose Mr. Atkinson & Mr. Maston for the Committee, And adjourned to morrow 12 of the clock.

At a Council and General Assembly, by adjournment, to the present Thursday, 7th October, 1697.

Present, Ut Supra.

The committee appointed to examine ye claims & debts of the Province made return, as on file. The Council sent up for the whole Assembly and discourst with them about the accots & for raising money to defray the Province charge: then the Assembly returned to consider of it, and sent up a Bill for raising 300lbs. Adjourned tomorrow morning 10 of the clock.

At a Council and Assembly, per adjournment to this present Friday, 8th October, 1697.

Present, John Hincks, Esq., Presidt,

Nath. Fryer,	Esqs.	Wm Vaughan,	Esqs.
Peter Coffin,			
Robt Elliott,		Richd Waldron,	

The Assembly being sent for by President and Council, and they past these several Acts (viz.):

An Act for raising 300lbs to defray the charge of the Province.

An act for continuing the Impost and Excise, &c., to the 5th November, 1698.

An Act about trespasses in cutting down trees, &c.

And then the Pres'dent and Council prorogued the Assembly to the last Tuesday in November next, at 2 of the clock in the afternoon.

New Castle, At a Council and General Assembly, by adjournment to this present Tuesday, 30th November, 1697.

Present, John Hincks, Esq.,

Nath. Fryer,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	

[P. XL.] Ordered, that a General Day of Thanksgiving to Almighty God for his signal favors to us in our preservation from foreign invasions, & giving us a plentiful harvest, &c., and that the secretary give notice to the several ministers in this Province, that Thursday, the 16th December next, is the day appointed for the same.

Ordered, Major Wm Vaughan send two soldiers to Capt. Gerrish's his Garrison, at Dover, to reïnforce the same. Then the Assembly was prorogued to the 2d Tuesday in March next, at 2 in the afternoon.

Prov. New Hamp. At a Council and General Assembly held at Portsmouth, the 28 December, 1697.

Present,

The Hon'ble Wm. Partridge,* Lieut. Governor, &c.,

John Hincks, Esq., Prest,

Nath. Fryer,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Wm Vaughan,	
Robt. Elliott,		Richd Waldron,	

* See Minutes of Council, p. 259.

The assembly men chosen and returned (viz.), For the town of Portsmouth, Capt. Jno. Pickring, Sam[l] Keis, Jno. Plaistead; for Hampton, Capt. Hen. Dow, Benj. Fyefield, Lieut. Jno. Smyth; for Dover, Joshua Cromwell, James Davis, W[m] Furbur; for Exeter, Sam[l] Levett, Jno. Foulsom; for New Castle, Theodo. Atkinson and William Seavey.

The Assembly chose Capt. Pickring their speaker and approved of.

Ordered, a dedimus Potestatem be directed to Peter Coffin and Robt. Elliott, Esqs., to swear the Assembly.

Returned and sworn accordingly, only Josh. Cromwel not appeared.

Adjourned to morrow morning, 10 of the clock.

At a Council and General Assembly,
by adjournment, 29th December.
Present, Ut Supra.

Major W[m] Vaughan & Rich[d] Waldron, Esqs., are appointed by this Board as a Committee to join with two of the Assembly, to draw up an Address to his Majesty; and the Assembly have chose Capt. Jno. Pickring, Mr. Jno. Plasteed to join.

Ordered, that the sheriff have orders to send to Hampton for the choice of another Assemblyman instead of Benj. Fifield; he being dismist. Adjourned to Portsmouth, Monday next, 3[d] January, 10 of the clock forenoon.

Province of New Hamp.

At a Council and General Assembly held at
Portsmouth, Wednesday 5th January, 1697–8.
Present, Lieut Govern[r],
John Hincks, Esq., the Presid[t],

Peter Coffin, Hen. Green, } Esqs. W[m] Vaughan, Rich[d] Waldron, } Esqs.

The Assembly chose Capt. Hen. Dow for their Speaker,

instead of Capt. John Pickring, he being absent, and said Dow was by the Lieut Govern^r approved of.

Ordered, that upon a petition from John Partridge, of Portsmouth, inno^r,* setting forth his poverty and through weakness in his limbs not able to labor;

Ordered, that the Treasurer allow him forty shillings on his Excise.

[P. XL.] Ordered, that notice be given the Representatives, that the Council are of opinion that it may be proper for them to join with the Council in the Representation of the present state of affairs within this Province, to the Right Honble the Lords of his Maj'ty's most honorable privy Council appointed a Committee for trade and foreign plantations, which they accordingly did, as on file.

Several votes passed by the Assembly and sent up to the Council, as they are all on file.

Ordered, that the Secretary sign by order of Council, those several letters for the Lords of his Majesty's Council appointed a Committee for Trade and Plantations, &c. Both houses adjourned to the second Tuesday in February, next at 12 o'clock at noon.

Province New Hamp. Portsmouth, 8th February, 1697.

This day being the day whereto the Assembly were adjourned, the extremity of the weather and the illness of several of the members of Council, that could not be a full Council.

Wednesday, 9th February.

The remaining illness of the Council and extremity of bad weather, so none appearing present but

The Lieut. Governor Partridge,

Peter Coffin, Esq., Richd Waldron, Esq.

The Lieut. Governor sent up for those of the Assembly present, & they appearing, he told them for the reasons

* Innkeeper?

aforesaid there could not be a full Council; so nothing of any validity could be done then; wherefore he adjourned them to the 2d Tuesday in March next, at Portsmouth, at 12 of the clock at noon. Accordingly they were adjourned.

Portsmouth. At a Council and General Assembly, by adjournment, to this present 8th March, 1697.

Present, Lieut. Governr,

Peter Coffin, Wm Vaughan, and Richd Waldron, } Esqs.

For want of a full Council adjourned to morrow morning.

At a Council and General Assembly 9th March, as by adjournment.

Present, Lieut Governr,

Jno. Hincks, Peter Coffin, Robt. Elliott, } Esqs. Wm Vaughan Richd Waldron, } Esqs.

Lieut. Governor, Council and Assembly appointed 3 persons of each house for a committee to inspect those several Bills brought up from the Assembly, as on file, and adjourned to morrow morning 10 of the clock.

At a Council and General Assembly by adjournment, to this 10th March, 1697.

Present, Ut Supra.

Some Bills sent up by the Assembly, as on file, & the committee appointed for the drawing up some bills, upon file. Adjourned to morrow 10 oclock, in the morning.

Portsmouth. At a Council and General Assembly, by adjournment to this present Friday, 11th March, 1697.

Present as before.

A return of the several bills being made by the commit-

tee appointed to draw up, as on file, viz: About encroaching on highways; births and marriages; and that of fees about highways, Constables, & altering the time for Courts, were sent to the Assembly; and then the Lieut. Governor sent up for the whole Assembly, and for some reason dissolved them and they are accordingly dissolved.

Portsmouth. At a Council and General Assembly held this present Tuesday, 5th April, 1698.

Present, Lieut Governr,

Jno. Hincks, Esq., Presidt,

Nath. Fryer, Peter Coffin, Robt. Elliott, } Esqrs. Wm Vaughan, Richd Waldron, } Esqrs.

A dedimus potestatem by the Lieut. Governor, to Peter Coffin and Richd Waldron, Esqs. to administer the oaths to the Assembly according to Act of Parliament, and the Test, & accordingly was returned sworn, viz., for the Town of Portsmouth, Capt. Jno. Pickering, Mr. Jno. Plaistead, Mr. Saml Keis. For the town of Hampton, Capt. Hen. Dow, Lieut. Jno. Smyth, Mr. Jos. Swett. For the town of Dover, Capt. Jno. Tuttle, Lieut. Wm Furber, and Lieut. James Davis. For the town of Exeter, Mr. Saml Leavett & Theo. Dudley; for the town of New Castle, Mr. Theodo. Atkinson & Wm Seavey. The Lieut. Governor ordered the Assembly to choose their speaker. Adjourned to morrow morning, 10 of the Clock.

Portsmouth. At a Council and General Assembly, by adjournment, to the present Wen'sday, 6th April, 1698,

Present, as before.

The Assembly presented Capt. Jno. Pickring for their Speaker and was approved of by the Lieut. Governor.

Adjourned to morrow morning 10 of the clock.

At a Council and Assembly by adjournment to this present Thursday, 7th April, 1698.
Present, Ut Supra.

Mr. Duncan Campbell's petition to the Lieut. Governor, Council and Assembly for a continuance of what was given concerning the Post Office for its support, was read & sent to the Assembly by Mr. Plastead & returned, and would not allow any thing.

Several bills returned to the assembly & assented to by the Lieut. Governor & Council, & three of this Board, viz., Peter Coffin, Major Vaughan and Richd Waldron, Esqs., appointed a Committee to join with 6 of the Assembly for drawing up the Acts. Adjourned to morrow morning, 10 of the clock.

At a Council and General Assembly, by adjournment, this present 8 April, 1698.
Present as before except Mr. Fryer.

The Committee having agreed to several Bills, were all past into Laws, viz:

An act for the raising 400lbs [P. XLIII.] towards the Province charge.

An Act for regulating officers' fees.

An Act about highways.

An Act about constables.

An Act about Births, Burials and Marriages.

An Act about Courts.

Then the Assembly were adjourned to the second Tuesday in June next, at Portsmo.

13 June, 1698. *So far are the Laws foregoing, and Minutes Council & Assembly, sent home for England, by Capt. Jno. Long.*

Prov. New Hamp.

At a Council and General Assembly held at Portsmouth, 14 June, 1698.

Present, Lieut. Govern^{r},

John Hincks,	Esqs.	Hen. Green,	Esqs.
Robt. Elliott,		Peter Coffin,	
Nathl Fryer,		Wm Vaughan,	
		Richd Waldron,	

Mr. Jno. Bridger's petition being read to this Board and sent to the assembly praying some assistance of men for a guard to him to view the woods to see what *stoers* are to be had for his majesty's use, he being commissioned thereto, and as by his petition on file,

Ordered, by the Lieut. Govern^{r}, Council and General Assembly, that sixty men be forthwith raised in the several towns within this Province, with arms, horses, amunition & provision, to attend the service aforesaid, at time and place, when and where, the Lieut. Governor shall appoint, & that the said Bridger be from time to time Incoraged and assisted in this his maj'ty's service within this Province.

A committee apointed by this Board to Join with two of the assembly to draw up a Letter to his Excellency the Lord Bellamont, and to acknowledge his favor in his last letter, &c., as on file.

Committee appointed by this Board are Wm Vaughan and Richd Waldron, Esqs.; Committee from the Assembly, Mr. Jno. Plastead, Mr. Saml Keis. And then the Lieut. Govern^{r} adjourned the assembly to the second Tuesday in August next.

Pro: New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, to this present Tuesday, 9th August, 1698.

Present, Lieut. Governr,

John Hincks, Peter Coffin, Robt. Elliott, } Esqs. Wm Vaughan, Richd Waldron, } Esqs.

The petition of Richd Gerrish, commander of ye ship Benjamin, concerning the remitting his powder money being read, Ordered, that he pay his powder money here as he did at Boston.

Application being made to the Lieut. Governr, Council and General Assembly, by Mr. John Bridger, &c., that Incoridgment may be given to the inhabitants of this Province for sowing of hemp the next season, in order to gain a right understanding what this Province may be able to produce of that kind towards the supply of his maj'ty's naval stores,

Ordered, that the gentlemen [P. XLIV.] of the Assembly do give notice hereof to the inhabitants within their respective towns, and endeavor the promoting so good a work tending to his maj'ty's service and their own interest.

Past by the Assembly. Theo. Atkinson, Cl.,
Hen. Penny, Secr.

The Lieut. Governr having sent up for the whole Assembly and demanding if at present they had anything further to offer for his maj'tys service; they answered, None.

Then the Lieut. Governr adjourned them to the second Tuesday in October next, at Portsmouth, 12 of the clock at noon.

NOTE. The *paging* of the "Journal of Council and Assembly," which follows, is in *figures*, as in the original record.

[P. 1.] Province of New Hamp^{r}. } At a Council and General Assembly held by adjournment at Portsmouth, Lunæ die, Augt Septimo, anno 1699,

being the first after the publication of his Maj^{ties} Letters Pattents, dated the eighteenth day of June, in the ninth year of our Reign, unto his Excellency Richard, Earl of Bellomont,* Capt. General and Governor-in-chief of this Province. Ante Merediem.

Present,

His Excellency RICHARD, EARL OF BELLOMONT, Capt. General, &c.,

Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nathl Fryar, } Esqrs. Robert Elliot, Capt. Jno. Gerrish, } Esqrs.

Capt. John Pickerin, Mr. Saml Penhallow, Mr John Plaisted, } For the town of Portsmouth.

Capt. Henry Dow, Lt John Smith, Lt Joseph Swett, } For the town of Hampton.

Mr James Randal and Mr Theodore Atkinson for the town of New Castle.

Capt. Jno. Tuttle, Capt. Jno. Woodman, Mr Nath. Hill, } For the town of Dover.

Mr. Theophilus Dudley, Mr. Moses Levett, } Town of Exon [Exeter].

Henry Green, of Hampton, Esq., prayed his Excellency, that in regard of his age, many infirmities and remoteness of habitation, he was very unfit to serve his Majesty as a member of Council,† he might therefore be dismissed; and was dismissed accordingly.

* See Records of Council, Commission of Gov. Bellomont, pp. 305-312.

† HENRY GREEN, Esq., was one of the most prominent men of Hampton. See a biographical notice of him by Hon. S. D. Bell in *Coll. N. H. Hist. Soc. Vol.* 8, *pp.* 374-377. In the Town Records of Hampton is the following entry: "Henry Green, Esq., aged above 80 years, for several years a member of the Councill, untill by age he layd downe that place; but did it Justice till he died, which was the 5 August, 1700." — ED.

His Excellency sends for the House of Representatives, who waited upon him; he advised them to go to the house appointed for them to settle their House, choose their Speaker and present him at four o'clock this afternoon.

Ordered that a writ of Dedimus Potestatem be made out and y^t the names of John Hincks and Robert Elliott, Esqrs., and Mr. Sampson Sheafe, Secretary, be inserted, and they impowered to administer the oaths appointed by act of Parliament instead of the oaths of Allegiance and Supremacy, to every member of the House of Representatives; and that they see them repeat and Test and subscribe the Association. The dedimus Potestatem was accordingly made out & signed by his Excellency & sealed with ye Province Seal.

Adjourned till four o'clock in the afternoon.

[P. 2.] Province of New Hamp^r. } At a Council and General Assembly, held by adjournm^t, at Portsmouth, Lunæ die, Augus^ti Septimo, Anno 1699, Post Merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Genl, &c.,
William Partridge, Esq., Lt Govern^r,

John Hincks, Nathl Fryer, } Esqrs. Robert Elliott, Capt. John Gerrish, } Esqrs.

The Committee impowered by writ of dedimus potestatem to administer the oaths appointed, &c., unto all and every member of the House of Representatives, made y^r return of their doings therein, as on file.

The petition of Samuel Allen, Esq., about the reviveing Courts that his Processe may be continued, and no timber felled, was read.

The Assembly or House of Representatives waited upon His Excellency at four o'clock this afternoon, and presented Mr. Samuel Penhallow to be their Speaker, and His Excel-

lency approved their choice and made the following Speech to the Council and House of Representatives:

EARL OF BELLOMONT'S SPEECH.

Gentlemen:—

I have called you together at this time to give you an opportunity of serving the common interests of your country by redressing the grievances the Province lies under, and of making such Laws as may, by the blessing of God, establish you in safety and happiness for the time to come. I am very sensible of the great sufferings you sustained all this last war by this Province being a Frontier towards the Eastern Indians — a cruel and perfidious enemy in their own nature, but taught and encouraged to be more so by the Jesuits and other popish Missionaries from France, who were not more industrious during the war to instigate their Indian disciples and proselytes (as they are pleased to call 'em) to kill your people treacherously, than they have been since the peace to debauch those Indians from their former subjections to the Crown of England, insomuch as at present, they seem to have departed from their allegiance to the Crown and revolted to the French. I have taken such measures as quickly to find out whether those [P. 3.] Indians will return to their obedience to the Crown or no; if they do not, and that they commit any Hostilities upon you, I doubt not but find an easy way of subduing them.

Upon the report of His Majesty's Engineer, whom I sent to view the Fort on the Great Island and the harbour of this Town, I find the situation is naturally well disposed, but the Fort so very weak and untenable that it requires the building a new substantial one to secure you in time of war.

You will do well to take this matter into consideration as soon as may be. This Province is well seated for trade, and your harbor here on Piscataqua River so very good that a fort to secure it would invite people to come and settle among you; and as you grow in numbers so will your trade advance and flourish, and you will be useful to England, which you ought to covet above all things, not only as it is your duty, but as also it will be for your glory and interest.

Such a King as God hath blest you at present, and such a nation as that of England, ought to excite in us a noble ambition to be religiously faithful to the first, and zealously subservient to the latter.

I recommend to you, gentlemen of the House of Representatives, the providing for the necessary support of the Government, you being best able to judge what the charge will be, and its belonging to you of right to provide the means to defray that charge.

Gentlemen:—You will do well to think of everything that may conduce to your own happiness and advantage, wherein you may depend on my concurrence with you, for I have all the disposition imaginable to do the King and this Country the best service I am capable of.

The bill for reviveing and continuing of writs, processes, actions, suits, &c., depending in the late Superiour Court of Judicature within this Province, and discontinued, &c., was read this day.

Ordered, that a Bill for returning of Jurors to serve in the several Courts of Justice within this Province was read this day.

Ordered, that the Secretary do give notice unto Major Wm Vaughan and Major Joseph Smith, to appear at this board on Wednesday morning, ten o'clock, and that they bring the Acc^ts^ of the treasury of this Province, committed to them.

Adjourned till tomorrow morning, ten o'clock.

Orders of the House.

[Copied from MS. Minutes of the Assembly.]

For regulating the House they have voted, that the following articles be observed, viz.:

1. *First.*

That every member of this Assembly that shall be absent att the time apointed for meeting, and att calling over, shall pay three pence to the Clark for every such defect.

Secondly.

That whosoever, by any misbehave^r^ in speech or action, justly offend any of the members of the House, he shall for the first be admonished; the second, fined, as the House think meet.

Thirdly.

That none shall speak twise, untill every man have liberty to speak once.

Fourthly.

That every member directs his speach to the Speaker, and not to another, and when they have a mind to speak to any case they ask leave of him to speak.

Fifthly.

That none smoak tobacco in the house after calling over, on Penalty of 3d for the Clerk.

Sixthly.

That the speaker shall have a casting vote, when there shall be an equal vote.

Seventhly.

That any member of the house shall have liberty to Enter his Decent from any vote without giveing any Reason thereof.

Eighthly.

That if the speaker be absent, the House may choose a speaker *pro tempore*, that the affairs of the House may be carried on notwithstanding such vacancy.

Ninthly.

That if Any member after being Entered and Qualified, shall absent himself a day without leave from the House, he shall pay a fine of five shillings; except he show to the house a sufitient Reason for his soe absenting.

Tenthly.

That if any member of this House shall be, by the major part of the House, thought unfitt and not qualified for s^{d} place, it shall be in their power to dismiss such Person, giving notise to the Town where he belonged to choose another to fill up such vacancy.

Adjour^{d} untill the 8th inst., ten of the clock.

[P. 4.] At a Council and General Assembly, held by adjournment, at Portsmouth, Martis die, Aug. Octavo, Anno 1699, Ante meredíem.

Present,

His Excellency Richard Earle of Bellomont, Capt. General, &c.,

Willm Partridge, Esq., L^{t}. Govern^{r},

John Hincks, Peter Coffin, } Esqs. Robert Elliott, Capt. Jno. Gerrish, } Esqs.

The Bill about reviveing the Supreme Court of Judicature read a second time.

His Excellency proposes to the Council that he thinks they could not, with justice, proceed to a third reading of said bill until Colonel Samuel Allen, late Governor of this Province, be heard in answer to that part of said bill which reflects on the justice of his administration.

Ordered, by his Excellency and Council, that Colonel Samuel Allen have notice to appear here in person or by his council, at four o'clock in the afternoon; and that the petitioners, Mr. Richard Waldron and Major Wm Vaughan and Capt. Henry Dow, do also attend at the same time to make good the suggestions of their petitions, delivered in on Monday, 31st of July past, against the said Colonel Saml Allen, upon which petition the said bill is grounded. And it is also ordered that if Colonel Saml Allen requires it, he may have a copy of said petition and bill.

The bill about the due qualification of Jurors read a second time.

The bill forbidding holding any correspondence with, or assisting any person or persons fitted out of Scotland, and are said to have been settled in a certain place called Calledonia, &c., read a second time.

The petition of Samuel Comfort, L^{t} of the fort, for salary, read.

Adjourned till afternoon at three of the clock.

[P. 5.] At a Council and General Assembly held at Portsmouth by adjournment, Martis die Aug. octavo, Anno 1699, Post merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. General, &c.,

Willm Partridge, Esq., Lt Governor,

John Hincks, Nathl Fryer, } Esqs. Robert Elliott, Capt. John Gerrish, } Esqs.

The bill for the due qualification of Jurors read a third time.

The said bill was passed by his Excellency and Council, and it is ordered to be carried to the House of Representatives for y^{r} concurrence.

A Letter from the Lords Com^{ns} of the Council of Trade and Plantations, relating to Mr. Charles Story negotiating the affairs of this Province in England, was read in Council.

Ordered, That Colonel Saml Allen, Mr. Richard Waldron, Major William Vaughan and Capt. Henry Dow be desired to appear at this Board to-morrow morning at ten of the clock precisely.

Adjourned till to-morrow morning ten of the clock.

At a Council and General Assembly held at Portsmouth by adjournment, M^{c}curii die Aug. nono, Anno 1699, ante merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,

John Hincks, Nathl Fryer, Peter Coffin, } Esqs. Robert Elliott, Capt. Jno. Gerrish, } Esqs.

Major Wm Vaughan and Major Joseph Smith appeared according to notice given them, and presented their acco^{ts} as Treasurers of this Province.

Ordered, that the said acc^{ts} be committed and referred to the examination and audit of John Hincks, Robert Elliott, Esqs., members of his Majesty's Council, and that Richd Waldron, Esq., be added to said committee.

[P. 6.] Colonel Samuel Allen, with his Council, according to notice given, appeared before his Excellency and Council, to answer to the reflections contained in the bill about reviveing and continuing of writs and processes, &c., and also the merits of said bill; and to the petition of Richard Waldron, Esq., Major Wm Vaughan and Capt. Henry Dow, upon which said petition is Grounded.

The petitioners with their Council appeared before his Excellency and Council at the same time, and being heard severally to said petition and bill, his Excellency desired the said parties with their council to withdraw, and declared to them that was offered by their council on both sides should be considered.

The House of Representatives, by the hands of Capt. Henry Dow and Mr Theodore Atkinson, their messengers, presented the following answer to his Excellency's speech, and also at the same time returned the bill entitled An Act for choosing and returning of Jurors to serve in the several Courts of Justice within this Province, with amendment.

The House of Representatives their answer to his Excellency's Speech:

May it please your Excellency,—

Wee, His Maj'tys most dutiful and loyal subjects, the Representatives of this his Maj'tys Province, cannot omit a most gratefull acknowledgement of your Lord^{pps} favor, declared in your speech to this Assembly, wherein your Lord^{pp} hath been pleased to express so great a kindness towards us, so deep a sense of our late sufferings and present condition, and so tender a reguard to our future welfare, that our hearts are filled with an entire joy and satisfaction, for that alsoe we now see your Lord^{pps} presence has already dispersed those dark clouds of late impending, portendous of our ruin and destruction, and given us a fair prospect of a serene and happy day.

As to the several paragraphs in your Lord^{pps} speech they are now under consideration, and we shall follow your Lord^{pps} directions therein, resolving in all things according to our best understanding, to behave ourselves as becomes his maj'ty's most dutiful and Loyal subjects, and your Lord^{pps} most faithful and obedient servants.

Adjourned till three o'clock afternoon.

[P. 7.] Att a Council and General Assembly held at Portsmouth, by adjournment, Mecurii die, Aug. nono, 1699, Post merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,

John Hincks, Nathl Fryer, Robert Elliott, } Esqs. Peter Coffin, Capt. Jno. Gerrish, } Esqs.

There being a vacancy in the Council by reason of Henry Green, Esq., his desire to be discharged and dismissed from said service by reason of his age and infirmities, and remote habitation, was accordingly dismissed; his Excellency was pleased to appoint Richard Waldron, Esq., to be one of the Council in the room of Henry Green, Esq., and to take the oaths enjoined.

Richard Waldron, Esq., accordingly in Council took the oaths appointed by act of Parliament instead of the Oaths of Allegiance & Supremacy, repeated and subscribed the Test, and subscribed the Association, and took the oath of a Privy Councellor.

The petition of John Cross, a soldier at the fort, for wages, was read.

Ordered, that the consideration of said Petition be deferred till Major Wm Vaughan and Major Joseph Smith, late Treasurers', acc^{ts} are stated.

The petition of James Phillipps, soldjer at the fort, for wages was read.

Ordered, that said petition be deferred until Major Wm Vaughan and Major Joseph Smith, late Treasurers', acc^ts^ be audited.

The Bill entitled an Act for Establishing Courts of Publick Justice within this Province hath been three times read, consented to by the Council, and sent to the House of Representatives for concurrence.

The Bill entitled an Act choosing and returning of Jurors to serve in the several Courts of Justice, sent up by the House of Representatives, with amendm^t^, was read, and his Excellency observing that in the said bill the freeholders of the respective towns are to make choice of Jurors by virtue of warrants directed to them from the Justices of the respective courts, is contrary to the practice of England, where the sheriffs return Jurors ; he is therefore of opinion that for the more exact [P. 8.] conformity to the Laws and practice of England, it will be best the said committee prepared the said bill, do prepare a new bill, wherein the sheriffs shall have the care and charge of returning and impanneling Jurors ; to which the Council do consent.

His Excellency proposes to the Council that it will be expedient that there be an humble address prepared to be presented in the names of his Excellency, Council and House of Representatives unto his maj'ty, to assure his maj'ty of their inviolable duty and affection to his Maj'ty's person and Government, to which the Council do consent ; and it is committed to John Hincks, Robert Elliott and Richard Waldron, Esqs., to prepare said bill.

Adjourned till to-morrow morning, ten o'clock.

At a Council and General Assembly, held at Portsmouth, by adjournment Jovis die, Aug^{tti} decimo, anno 1699, ante merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll} &c.,

John Hincks, Nathl Fryer, Robert Elliott,	Esqs.	Peter Coffin, Capt. Jno. Gerrish, Richd Waldron,	Esqs.

The bill for establishing Courts of Judicature within this Province sent down to the House of Representatives by Richd Waldron, Esq., for their concurrence.

An address of the House of Representatives relating to the fortifications read.

An address of the House of Representatives complaining of the late Governor Saml Allen, Esq., and persons in office, read.

The address complaining of the Late Govr Saml Allen, Esq., and persons in office, by him put in, referring to the gentlemen of this present Council for further information :

His Excellency orders the said address be delivered unto them for to direct them therein.

Adjourned till three o'clock, afternoon.

[P. 9.] At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adjournment, Jovis die, Aug^{tti} decimo, Anno 1699, Post Merediem.

Present,

His Excellency, Richard Earle of Bellomont, Capt. Gen^{ll} &c.,
Wm Partridge, Lt Govern^{r},

John Hincks, Nath. Fryer, Robert Elliott,	Esqs.	Peter Coffin, Capt. Jno. Gerrish,	Esqs.

Nathl Fryer, Esq., moved that the inconvenience of heaving out ballast in this River might be considered.

The Bill for Establishing Courts of Publick Justice within this Province, returned from the House of Representatives for amendm^{t}. The said bill was amended and returned to the House of Representatives for their concurrence.

Adjourned till to-morrow morning at nine of the clock.

At a Council and Gener^{ll} Assembly held at Portsm^{o} Ven^{s} die, Aug^{tll} Undecimo, Anno 1690, Ante Merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gener^{ll}, &c.,

Wm Partridge, Esq., Lt Govern^{r},

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nathl Fryer,		Capt. John Gerrish,	
Robert Elliott,		Rich. Waldron,	

The Act to return able and sufficient Jurors to serve in the sever^{ll} Courts of Justice, and to regulate the election of Representatives, to serve in the Gener^{ll} Assembly within this Province, was amended, read and sent by the hands of Richard Waldron, Esq., one of the Council, unto the House of Representatives for their concurrence.

[P. 10.] His Excellency observing that the Superiour Court of Judicature, according to the present establishment, will not come in course until the second Tuesday in February next, and to the intent that the suitors in the late Supreme Court of Judicature within this Province, to have been holden by adjournment on the first Tuesday of this present month of August, and discontinued by his Excellency's arrival and entrance upon the Government, may not be prejudiced by our long delay: His Excellency proposes that provision be made by Act of Assembly that the said Superior Court, *pro hac vice*, be held at a shorter day for the hearing and trying of the causes and suits depending in the said Supreme Court, discontinued by means

aforesaid, and that this matter be referred unto the consideration of the board until the sitting of the Council in the afternoon.

The House of Representatives returned the bill to return able and sufficient jurors, &c., with the desire that there may be these additions thereto: viz., That the Grand jurors may serve one year, and that all Town Clerks may be sworn.

Adjourned till three o'clock this afternoon.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adjournment, Ven^{ds} die, Aug^{tti} undecimo, Anno 1699, Post Meredicm.

Present,

His Excellency Richard Earle of Bellomont Capt. Gen^{ll}, &c.,
Wm Partridge, Esq. Lt Govern^{r},

John Hincks, } Esqrs.
Nathl Fryer, }

Peter Coffin, }
Capt. John Gerrish, } Esqrs.
Richard Waldron, }

The bill to return able and sufficient Jurors, &c., sent up by the House of Representatives, with two additional clauses. The said clauses were thrice read, consented to by the Council, and sent to the House of Representatives for their concurrence.

[P. 11.] A Bill for restraining and punishing privateers and Pirates having been sent to the House of Representatives for their concurrence, is passed by the Representatives and ordered to be ingrossed.

The House of Representatives sent up a message, to crave that they might have the Treasurer's acc^{ts}, to act as the affairs may require.

Adjourned till to morrow morning, 9 o'clock.

At a Council and Gen^{ll} Assembly held by adjournment, at Portsm^{o}, Sabti die, Aug. duodecimo, Anno 1699, ante merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,
Wm Partridge, Esq, Lt Govern^{r},

John Hincks,	Esqrs.	Peter Coffin,	Esqrs.
Nath. Fryer,		Capt. John Gerrish,	
Robert Elliott,		Richd Waldron,	

John Hincks, Robert Elliott and Richard Waldron, Esqs., being appointed a committee, to examine and auditt the acc^{ts} of the late Treasurers, Major Wm Vaughan and Major Joseph Smith, made their report to this board.

Ordered, that Richard Waldron, Esq., carry their return to the House of Representatives and desire them to dispatch.

A vote brought from the House of Representatives by the hands of Capt. John Tuttle, for setting of town bounds, was read.

His Excellency acquainting Lt Governor Wm Partridge, Esq., that he is accused by John Usher, Esq., late Lt Govern^{r} of this Province, of a force or riot committed by him the said L^{t}. Govern^{r} Partridge, in opposing Mr Usher, who was at that time commander, from the Right Honble the Lords Com^{rs} of the Council of Trade and Plantations, expressed in their Lord^{pps} Letters of the third of Augt 1697, relating to this his maj'ty's Government; For a further account whereof, his Excellency refers Lt Govr Partridge to a memorial delivered his Excellency by Mr Usher, [P. 12.] the 31st of July last past, and dated the same day, which memorial his Excellency now delivers him, in order to his the said Lt Governor making answer to the charge therein contained.

His Excellency also delivers John Hincks and Richd Waldron, Esqrs, members of his maj'ty's Council, a memo-

rial of Mr Usher, bearing date also the 31st of July last past, and delivered his Excellency by Mr Usher at the same time with the above memorial, wherein the said Mr. Hincks and Mr. Waldron, with others, are charged with high misdemeanors. His Excellency declaring that he thinks fit to deliver them the said memorial, that they may prepare their answer to Mr Usher's charge against them.

His Excellency also acquaints Lt Govern^{r} Partridge, Jno. Hincks, and Richard Waldron, Esqrs., that he hath some orders, from the Right Honble the Lords Com^{rs} of the Council of trade and plantations, contained in a Letter from their Lord^{pps}, bearing date the 26th of Augst, 1697, concerning certain complaints exhibited by Mr. Usher against them to their said Lord^{pps}, which said Letter his Excellency hath brought with him; but hath unhappily left at Boston two papers sent by their Lord^{pps} and inclosed with the same letter as also referred to therein. And His Excellency, finding a want of those two papers, advises Lt Govern^{r} Partridge, and the other two Gentlemen aforesaid, to suspend the drawing up the Answers until his Excellency's return to Boston, from whence he will give them full Instructions what their Lord^{pps} orders are, and what is expected from the Lt Govern^{r} and Gentlemen above named.

Adjourned till 3 o'clock afternoon.

At a Council and Gen^{ll} Assembly held by Adjour^{t}, at Portsm^{o} Sabti. die Augt duodecimo, Anno 1699, Post meridiem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,
Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Peter Coffin, } Esqrs. Capt. John Gerrish, Richard Waldron, } Esqrs.

Adjourned till 9 o'clock, Monday morning.

[P. 13.] At a Council and Gen^{ll} Assembly held by adjournment, at Portsm^{o}, Lunæ die, Augt 14th, Anno 1699, Ante meredíem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,
Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nathl Fryer, } Esqrs. Peter Coffin, Robt. Elliott, Richd Waldron, } Esqrs.

His Excellency produced an Address which he had drawn up to his Maj'ty in behalf of himself, the Council and House of Representatives, and that upon the heads discoursed of between himself and the gentlemen of the Council, and they approving thereof, Mr Waldron is appointed to carry down the same to the House of Representatives, for their concurrence. Adjourned till 3 o'clock afternoon.

At a Council and Gen^{ll} Assembly held by adjournment at Portsm^{o}, Lunæ die, Augt. 14th, Anno 1699, Post meredíem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,
Wm Partridge, Esq., Lt Governor,

John Hincks, Nathl Fryer, Robert Elliott, } Esqrs. Peter Coffin, Capt. Jno. Gerrish, Richard Waldron, } Esqrs.

His Excellency observing to the Council that the exception of the House of Representatives to the acc^{ts} of Major Wm Vaughan and Major Joseph Smith, late Treasurers, is General; is therefore of opinion that a messuage be sent to the House of Representatives to desire them to explain themselves in showing which articles in the said accounts they except against as insufficient; to which the Council do agree; and Richd Waldron, Esq., is desired to carry the said messuage to the Representatives, which he accordingly did.

A Bill for reviveing and continuing of writs, Process, actions and suits, &c., depending in the late Supreme Court of Judicature, read the third time, passed, and sent down to the House of Representatives for their concurrence.

Adjourned till to-morrow morning 9 o'clock.

[P. 14.] At a Council and Gen^{ll} Assembly held by adjournment, at Portsm^{o} Martis die, Aug. 15th, Anno 1699, Ante merediem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen^{ll}, &c.,
Wm Partridge, Esq., Lt Govern^{r},

John Hincks,	Esqrs.	Peter Coffin,	Esqrs.
Nathl Fryer,		Capt. Jno. Gerrish,	
Robert Elliott,		Richd Waldron,	

His Excellency produces a former Great Seal of this Province, which he rece^{d} this day from the hands of Saml Allen, Esq., late Govern^{r}, and which he caused to be cut in two and defaced, pursuant to his Maj'ty's warrant bearing date the tenth day of June, 1699, in the tenth year of his Maj'ty's Reign; and the silver of the said former Seal, his Excellency hath delivered to the Secretary to be restored to Saml Allen, Esq., aforesaid.

His Excellency doth also deliver to Wm Partridge, Esq., Lt Govern^{r}, a new great seale lately sent to his Excellency from England; and orders that the Secretary do enter his Maj'ty's warrant in the Council Book, authorizing and commanding the use of the said seale within this his Maj'ty's Province; which warrant bears date as aforesaid.

[Seal.] WILLIAM R.

To our Right trusty and well beloved cosin, Richard Earle of Bellomont, our Govern^{r} and Comander-in-chief of our Province of New Hampshire, in New England, in America; and to our Lt Govern^{r} and Coman^{r}-in-chiefe of our said Province, for the time being, Greeting: with this you will receive a Seal, prepared by

our order for the use of the Government of New Hampshire; which Seale is engraven with our Arms, Garter, Supporters, Motto and Crown; with this Inscription around ye same: SIG. PROVINCÆ NOSTRÆ DE NOV. HAMPTONIA IN AMERIC: and our will and pleasure is, and we do hereby authorize you and our Lt Govern^r, or comander-in-chiefe [P. 15.] of our said Province, for the time being, to affix the said Seale to all patents and grants of Land, and to all Publick acts and Instruments of Governm^t which shall be made and passed in our name, within our said Province; and that it be to all intents and purposes of the same force and validity as any former Seale appointed for the public use of the Government in our said Province, hath heretofore been; which former Seals are not to be further made use of or affixed to any public acts or Instruments whatsoever, but to be defaced and broken.

Given at our Court at Kensinton, the tenth day of January, 1699, in the tenth year of our Reign.

By his Maj'ty's command,

JA. VERNON.

Capt. John Pickering brings a messauge from the House of Representatives in writing, desiring that y^r exceptions to the late Treasurer's acc^ts which he brought with him, set down in a paper, might be considered of by his Excellency and Council.

His Excellency produces an Address to the King; which he signs and which also the Lt Govern^r and Council do sign; and the speaker with the House of Representatives signing the same. The Council and House of Representatatives request His Excellency that he will take care that the said Address be humbly presented to his Maj'ty.

Mr. Joseph Horn, Council for Saml Allen, Esq., and Mr. Thomas Newton and Mr. Charles Story, Council for Richd Waldron, Esq., Wm Vaughan, Esq., Capt. Henry Dow and Lt Saml Levett, do appear here before his Excellency and Council, and consent and agree that the sever^ll causes depending between the said parties, and were to be tried the first of this instant month of August, at an adjournment of a Supreame Court of Judicature, shall proceed to trial at the next Superiour Court to be held at Portsm^o the second Tuesday in

February next, and subject to the same rule entered into at the adjournm^{t} of the Supreame Court in May last.

[P. 16.] A petition from Mr. James Mountess is delive^{d} to his Excellency by Mr. Thomas Newton, complaining of the seizure made of the ship Hopewell and cargoe.

Adj^{d} till 3 o'clock afternoon.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adj^{t}, Martis die, Augt. 15th, Anno 1699, Post meredíem.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gener^{ll}, &c.,

Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Peter Coffin, } Esqrs.

Robert Elliott, Capt. Jno. Gerrish, Richd Waldron, } Esqrs.

Ordered, that the Secretary doe acquaint Saml Allen, Esq., that his Excellency and Council, having called for the public acc^{ts} in order to do the country right, and it appearing in Major Smith's acc^{ts} that there was to the value of thirty and nine pounds, seventeen shillings, four pence, expended in provisions for his Excellency's reception, which provisions major Smith saith were delivered to himself; his Excellency and Council do report that he will either deliver up and restore the same provisions in kind, or refund the money that they cost, into the hands of the said Joseph Smith, to be disposed of as his Excellency, Council and House of Representatives shall think fit; also to acquaint him that the House of Representatives as well as his Excellency and Council, have taken notice, and complained of this among other articles in Major Smith's acc^{ts}, as a misapplication of the publick money.

Mr. James Randell brought up from the House of Representatives a bill entitled an Act for a tax or assessm^{t}

of five hundred pounds, to which they desire the concurrence of this board, which hath been twice read.

Adjourned till to-morrow morning, at nine of the clock.

[P. 17.] At a Council and Gener[ll] Assembly, held by adjournm[t], at Portsm[o], decimo sexto die Aug[t], Anno Dmi. 1699.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gener[ll], &c.,

W[m] Partridge, Esq., L[t] Govern[r],

John Hincks, Nath[l] Fryer, Robert Elliott, } Esqs.

Peter Coffin, John Gerrish, Rich[d] Waldron, } Esqs.

His Excellency having been addressed by the house of Representatives to remove Mr. Sampson Sheafe from the place of Secretary of this Province: first as it is inconsistent with his Deputy collector's place, and as he is an indigent person, and much in debt; and being accused by the House of Representatives for taking exorbitant fees; and his Excellency having had a general ill character of the said Mr. Sheafe from the gentlemen of the Council and other persons, His Excellency declares that he is, for the reasons aforesaid, prevailed upon to remove him, the said Mr. Sheafe, from the Secretary's place of this Province; and the rather, because he understands Mr. Sheafe held not the same by patent or Commission from his Maj'tys, but was put into that imployment (1) by Colonel Sam[l] Allen, late Governor of this Province, and his Excellency desires Richard Waldron, Esq., a member of this Board, to do & perform the office of Secretary for the present, until another fit person shall be named & appointed thereto.

The bill entitled an Act for the tax or assessm[t] of five

(1) See Vol. II, p. 278.

hundred pounds was read a third time and past by ye Council and ordered to be ingrossed.

A Bill entitled an Act for continuing several rates and duties of custom, excise, impost and powder money, or Tunnage of shipping, was brought up by the hand of James Randle from the House of Representatives, & being thrice read was past by ye Council & ordered to be engrossed.

Lt Govern^r Partridge delivers an Address to his Excellency, signed by the Council and House of Representatives, containing a vindication of the said Lt Governor, and of John Hincks, Wm Vaughan and Richard Waldron, Esqs., from the unjust aspersions [P. 18.] thrown on them by John Usher, late Lt Govern^r of this Province, in two several papers, delivered by him the said John Usher, Esq., to his Excellency, the 31st of July last past.

Mr. Joseph Smith appearing before his Excellency and Council, and acquainting them that he had in obedience to their order of yesterday been with Colonel Allen, and brought such of the provisions as were left of those which were pretended to be bought for his Excellency's reception, his Excellency and Council do order, that he the said Mr. Smith, do go and acquaint the House of Representatives thereof, and do receive their directions therein, and Robert Elliott, Esq., is desired to accompany the said Mr. Sheafe [Smith?] to the House of Representatives and let them know that his Excellency and Council do conceive it proper that that affair be submitted to their cognizance.

Adj^d till to-morrow morning, 7 o'clock.

At a Council and Gener[ll] Assembly, held by adjournment, at Portsm[o], decimo septimo die Aug[t], Anno Dmi. 1699.

Present,

His Excellency Richard Earle of Bellomont, Capt. Gen[ll], &c.,
W[m] Partridge, Esq., L[t] Govern[r],

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nath[l] Fryer,		John Gerrish,	
Robt. Elliott,		Rich[d] Waldron,	

John Hincks and Robert Elliott, Esqs., signed and swore severally to depositions in writing, relating to the Barque Hopewell of Jersey, whereof James Mountess, merchant, is owner, and the said depositions was delivered to his Excellency.

Mr. Sampson Sheafe presents his acc[ts] to the Board for the time he was employed as Secretary of the Province by Gov[r] Allen.

Ordered, that the said acc[ts] be referred to the Examination and Audit of John Hincks, Robert Elliott and Richard Waldron, Esqs., and that satisfaction be made the said Sampson Sheafe in all his just demands.

[P. 19.] A messuage from the House of Representatives, in writing, by the hand of Nath[l] Hill, a member of said House, was presented and read at the board, humbly praying that his Excellency would be pleased to appoint and commissionate such a number of y[e] Hon[ble] Council as he shall think fit, to be joined with Mr. Sam[l] Penhallow, Capt. John Plaisted, members of the House of Representatives, to take and state the Publick acc[ts] from the day that John Usher, Esq., took upon him the Governm[t] of this Province, and that publick notice be given by the said commissioners to the inhabitants of the respective towns, to bring in their sever[ll] claims at time and place as they shall direct.

His Excellency approving of the said motion, nominated and appointed John Hincks, Robert Elliott, and Rich-

Waldron, Esqs., to be com^{m} with those named by the Representatives for the affair aforesaid.

Ordered, that Mr. Sampson Sheafe, late Secretary, deliver up all Books, writings and files of the publick records belonging to this Province, into the hands of Mr. Charles Story, now appointed to that office; and that a catalogue and inventory of the same be first made by way of Indenture, one part thereof to be signed by the s^{d} Sampson Sheafe, and the other part by the s^{d} Charles Story.

Several acts having passed both Houses, were consented to by his Excellency the Govern^{r}, and by him signed accordingly, viz.:

An Act for restraining and punishing Privateers and Pirates.

An Act to return able and sufficient Jurors to serve in the several Courts of Justice, and to regulate the election of Representatives to serve in the General Assembly within this Province.

An Act for a tax or Assessm^{t} of five hundred pounds.

An Act for Establishing Courts of publick Justice within ye Province.

An Act for continuing several rates and duties of Custom, Excise, Impost and Powder money, or Tonnage of shipping.

After which his Excellency was pleased to prorogue the Assembly to Monday, the 18th of Septr next.

[P. 20.] At a Council and Gener^{ll} Assembly, held at Porstm^{o} by proroga^{t}, the 18th day of Sept^{r}, Anno Dmi. 1699.

Present,

William Partridge, Esq., Lt Govern^{r},

John Hincks, Esq., Robert Elliott, Esq.,

Richard Waldron, Esq.

Two of the Council being sick, and there not being a

quorum, the Lt Govern^{r} thought fit to send Richard Waldron, Esq., to the house of Representatives as a messenger, to desire the House to come to this Board.

The House of Representatives appeared.

The Lt Govern^{r} acquainted them that he adjourned them till Tuesday, the seventh of November, 1699.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjournment, the 7th day of November, Anno Dmi. 1699, Post meridiem.

Present,

Wm Partridge, Esq., Lt Govern^{r} & Comand^{r}-in-Chiefe,

John Hincks,	Esqs.	Peter Coffin,	Esqs.
Nathl Fryer,		Jno. Gerrish,	
Robert Elliott,		Richd Waldron,	

Mr. Charles Story, the Secretary, was sent by the Lt Govern^{r} to call the House of Representatives to this Board, which accordingly came; and His Honor delivered to Mr. Speaker some papers in writing, acquainting him it was all at present he had to say to them for his Maj'ty's service.

The Lt Govern^{r} moved to this Board that there might be some care taken for a common Goale in this Province, the present goale not being fit to confine prisoners in winter time.

Richard Waldron, Esq., was sent by the Lt Govern^{r} as a Messuage to the House of Representatives, to acquaint them that John Plaisted, Esq., and Capt. John Pickering, not being in the House of Representatives at present, and they being two of the com^{ms} [P. 21.] for stating the Publick acc^{ts} of this Province, they could not proceed any further about said acc^{ts} to night; but if said Plaisted and Pickering did not come to the said House of Representatives to-morrow morning, then they would proceed further therein.

Adjourned till to-morrow morning, ten of the clock.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjournment, the eighth day of Nov^{br}, Anno Dmi. 1699, ante merediem.

Present,

The hon^{ble} Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nath. Fryer, } Esqs. Robert Elliot, John Gerrish, } Esqs.

Richard Waldron, Esq.

Whereas the committee for stating the Public acc^{tts} of this Province, brought before this board the said acc^{tts}, Ordered that Richard Waldron and Robert Elliott, Esqs., carry the said acc^{tts} to the House of Representatives, in order that they may peruse the same.

Adj^{d} till nine o'clock to-morrow morning.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjourn, the 9th of Nov^{br}, Anno Dmi. 1699,(1) ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nathl Fryer, } Esqs. Peter Coffin, Jno. Gerrish, } Esqs.

Richd Waldron, Esq.

A petition of Eliz. Harvey was read relating to her having abatement of excise, by reason she keeps the post office.

Ordered, that the Secretary give notice by writing to the Treasurer that said Mrs. Harvey be exempted from paying any excise for Beer, ale, or cider, according to the laws of this Province, so long as she keeps the post office.

(1) [Copied from MS. Minutes of the House.]

Nov. 9, 1699. *Voted*, That a strong logg house be built in the Province for a Prison, of thirty foot long, fourteen wide, one story of seven foot high, two brick chimneys in the mids, five foot each, to be don forthwith strong and substantial, the Treasurer, the Overseer, and the charge, to be paid out of the next Province Assessment; to be sett in Portsmouth, in or near the Great Fort.

THEODORE ATKINSON, Clerk.

[P. 22.] Samuel Penhallow, Esq., Treasurer, having acquainted this Board that he paid the post master one pound ten shilling for publick use:

Ordered, that the said sum of one pound ten shillings be paid out of the publick Treasury.

Bartholomew Green, printer, his letter from Boston, dated 24th October, 1699, was read, relating to the printing of several Laws of this Province, amounting to three pounds.

Ordered, that the said sum be allowed, and an order forthwith granted to the Treasurer for paymt of the same.

Ordered that the Secretary of this Province do forthwith enter all Acts and Laws passed by the Governr, Council and Assembly of this Province (which is not already entered) into a Record Book, and that the said Secretary be paid for the same as the Law directs.

Ordered, that the Boat bought by late Treasurer, Major Joseph Smith, for the use of his Maj'ty's fort Wm and Mary, of this Province, be forthwith delivered to Capt John Hincks, with all oars and masts thereto belonging; And that the Secretary issue forth an order to the said Capt. Hincks for taking possession of said Boat from any person in whose custody the same may be found.

The Lt Governr proposed to this board that a General Thanksgiving day may be appointed throughout this Province, to be kept solemnly, for the preservation of his Maj'ty's sacred person, the many blessings of health amongst us, Plenty of Harvest, and especially for so good a settlement in this Government laterly made by his Excellency the Earle of Bellomont, our Governr, on Tuesday the 23d of this instant November, And that Proclamations be issued forth accordingly to every town of this Province.

Ordered, that Richd Waldron, Esq., acquaint the House of Representatives with the above proposal.

[P. 23.] Ordered, that Saml Penhallow, Esq., Treasurer, doe take care to provide firewood, candles, and other nec-

essaries sufficient for the use of the Council and Representatives, from time to time, during their publick meetings in the winter season.

Ordered, that Mr. Sampson Sheafe, late Collector of the Impost of this Province, do forthwith give acc^{ts} to the present Treasurer, Saml Penhallow, Esq. what monies he received during his continuance in that office, and that the Secretary signifie the same from that Board.

Ordered that Mr. Taylor, Secretary to his Excellency the Earle of Bellomont, for his care and deligence in transcribing several writings for the use of this Province, when his said Excellency arrived here, have presented him as a Reward or gratuitie, twenty pieces of Eight; and that the Secretary issue forth an order to the Treasurer for payment of the same.

The Lt. Govern^{r} ordered the Secretary as a messuage to the House of Representatives, to know if they had any thing to send to this Board: and that they would make what dispatch they could possible with what lay before them.

Mr. Speaker answered they had nothing at present to send to the Council, but would dispatch what was before them with all expedition possible.

Mr. John Smith one of the House of Representatives, came up to this Board as a messuage from said House, with their concurrence, concerning keeping a General Thanksgiving day, as aforesaid.

Ordered that proclamations be sent to each town for keeping a General Thanksgiving day on Thursday the 23^{d} inst.

Upon a Report of the Committee for stating the public acc^{ts}, we find the Province D^{r} to the p'ticular persons hereafter named, the particular sums following, as upon file.

		lb.	s.	d
Imprimis.	To Capt. Penny	20:	19:	00
	To Lt Govr Partridge	160:	00:	00
	Jno. Hincks, Esq. fort	97:	04:	02
	To Jerem. Walford	00:	14:	06
	To Capt. Tuttle	34:	06:	01

To Row^{d} Jenkin	06: 15: 00
[P. 24.] To Capt. Penny	04: 06: 00
To Patiens Alkin	03: 00: 00
To Elisha Bryer	02: 12: 03
To John Knight	02: 11: 01
To John Snell	00: 08: 00
To Richd Waldron, Esq.	69: 08: 02
To Saml Rymes	01: 16: 00
To John Cotton and Jno. Downing, Butchers,	10: 07: 01
To Lt Govr Partridge	16: 15: 06
To Mr. Geo. Jaffrey	03: 09: 00
To Mr. Jno. Cotton	05: 00: 00
To Mrs. Bridgett Grafford	04: 10: 00
To Jno. Walker	00: 18: 00
To Jno. Partridge	00: 04: 00
To Mr. Hen. Penny	02; 00: 00
To Mr. Fran. Tucker	11: 00: 06
To Wm Cotton	01: 04: 00
To Mr. Saml Penhallow for his servant,	01: 16; 00
To Lt Gov. Partridge	80: 02: 06
To John Reed	09: 11: 00
To James Norway	01: 04: 10
To Edwd Ayres	00: 12: 00
To Robt Lang	00: 06: 00
To Wm Lane & Francis Page	01: 04: 00
To Splan Lovett	02: 00: 00
To Jno. Snell, et al.	07: 03: 00
To Major Vaughan	04: 16: 00
To Thom^{s} Greely	06: 00: 00
To Mr. Theo. Phipps	00: 12: 00
To Saml Penhallow, Esq.	06: 00: 00
To Elisha Bryer	01: 05: 00
To Capt. Jno. Pickering	00: 16: 04
To Capt. Jno. Tuttle	15: 11: 05
To Jno. Odihorne & Geo. Wallas	00: 08: 00
To Capt. Echabod Plaisted for himself and 60 men and horse,	36: 00: 00
To Mr. Sampson Sheafe	16: 10: 04
Committee's Expenses	01: 16: 00

Which acc^{tts} being sent down to the House of Representatives, was agreed to, excepting the objections foll. which was desired to be deducted:

	lb.	s.	d
From Mr. Isaac Addington being in Lt Gov^{rs} acc^{ts}	12:	00:	00
Mr. Jno. Snell	05:	07:	00
Capt. Ichabod Plaisted	36:	00:	00
Committee's Expences	01:	06:	00
Mrs. Hannah Purmott	03:	00:	00

Also they added some money to several persons wch were omitted, viz.:

To Capt. Tuttle	02:	10:	00
To Saml Snell	01:	04:	10
To Jno. Hinckes and Richd Waldron, Esqrs.	04:	00:	00
To Saml Penhallow and Theodore Atkinson, Esqrs.	04:	00:	00

Ordered, That the said sums stated as before mentioned be passed, and others go to the Treasurer accordingly.

[P. 25.] Lt Govern^{r} desired John Gerrish, Esq., to call the House of Representatives before this Board; they having made some objections to some particulars in the public acc^{ts}.

Accordingly they appeared.

The Lt Governor acquainted them that they had made an objection relating to twelve pounds, paid to Mr. Addington for his service done this Province; Desired to know their reason, and laid before them the true acc^{t} how and in what manner said Mr. Addington was serviceable to this Province; desired them therefore to consider further of the matter.

Nathl Hill brought to this board two votes from the House of Representatives,— one consenting that Mr. Addington's twelve pounds be allowed, and the other relating to the building of a Goal.

It being about 5 o'clock, adjourned for one hour and halfe.

At a Council and Assembly, held by adjournment about 7 o'clock in the evening.

Present, as before mentioned.

Theadore Atkinson, Esq., and Capt. Tuttle, being sent from the House of Representatives to this board, acquainted the Lt Govern^r that there had been a debate in their House for the raising a sum of money to pay the Publick Debts of this Province; and they think it not convenient at present to raise the same, but desires some further time may be given to do the same, the former rate being not yet gathered in, and several of the members of the House being wanting.

Lt. Govern^r told them he would consider of what was said.

The Lt Govern^r sent Mr. Charles Story, the Secretary, as a messuage to the House of Representatives, to know of them whether they designed to draw up a Bill to-night for defraying the publick charge of this Province.

[P. 26.] Mr. Speaker answered, they were in debate of the matter, and after it was over, would come and acquaint his Honor what they intended therein.

Mr. Story was sent again to call the House of Representatives to this Board, who immediately appeared; upon which the Lt Governor was pleased to adjourn them till Tuesday the 21st inst., at 10 of the clock in the forenoon.

At a Council and Gen^ll Assembly, held at Portsm^o by adjourn^t, the 21st November, 1699.

Present,

Wm Partridge, Esq., L^t. Governor, &c.,

John Hinckes, Robert Elliott, } Esqs. Peter Coffin, John Gerrish, } Esqs.

Richard Waldron, Esq.

Ordered, that the Secretary do forthwith give notice to

Sam[l] Penhallow and John Plaisted, Esqs., Justices of the Peace of this Province, that whereas a riot was lately committed by sundry seamen now in town, that they do not omit of making a full inquiry into the matter, and bring the offenders to condign punishm[t], and particularly that Elizabeth Redford, in whose House the disorder began, may be forthwith forbidden selling of drinks by retaile, or keeping a publick House of entertainm[t] for future.

Richard Waldron, Esq., was sent a messuage to the House of Representatives, in order to desire y[r] speedy dispatch, for the drawing up a bill for paym[t] of the publick Debts of this Province.

Mr. Nath[l] Hill brought up a vote from the House of Representatives for the raising of four hundred and [P. 27.] sixty pounds, upon all persons and estates, real and personal, according to former custom within this Province, to be paid in money to the Treasurer by the last of June next, and that the rate be delivered to the Constable of each town three months before.

Agreed to by this Board, and ordered a bill be drawn accordingly, and that Mr. Charles Story, Secretary, together with Theodore Attkinson, Esq., Clerk of the Assembly, do prepare the same.

A Bill entitled an Act for raising four hundred and sixty pounds for defraying the publick charge of the Province, being read three times, was sent down to the House of Representatives by Mr. Charles Story, Secretary, for their concurrence.

The House came up and consented to the enacting said Bill.

A petition of Capt. John Tuttle, on behalf of himself and soldiers at the Garrison at Dover, relating to money formerly due to them, and allowed by Council, was read.

Ordered, that the Secretary do make out an order to the Treasurer for payment of 10[lbs] immediately to Capt. Tuttle, on behalf of himself and soldiers, and that the remainder be paid out of the 460[lbs] rates.

A petition of Elizabeth Redford about her keeping a publick House, was read.

Then the Lt Govern^{r} was pleased to prorogue the Assembly till the first Tuesday in May next.

[P. 28.] Province of New Hampshire.

At a meeting of the Council and Gen^{ll} Assembly, held at Portsmouth by adjournment, on Tuesday, the 7th of May, post meredíem, Anno Dmi. 1700.

Present,

The Honble Wm Partridge, Esq., Lt Governor,

John Hinckes, Nathl Fryer, } Esqs. Peter Coffin, Richd Waldron, } Esqs.

John Gerrish, Esq.

Whereas there remains formerly due to John Cross, James Phillipps, Thomas Maurdyn, Thomas Barnes, Reuben Haines and Henry Langmaid, Twenty and four pounds for their service as soldiers at the fort W^{m} and Mary:

Ordered, that the said sum be paid out of the next Province Rate.

Mr. John Hinkes, his account for his service as Capt. of the fort W^{m} and Mary, with other articles in said acc^{ts} from the 17th of August, 1699, to this present day, was delivered to this Board, the whole amounting to 59^{lb}: 11^{s}: 02^{d}, as upon file, was allowed and approved of, and ordered to be paid out of the next Province rate.

Mr. Charles Story, Secretary, was sent as a messuage to the House of Representatives by the Lt Govern^{r} to call them up to ye Board, who accordingly came; and Mr. Speaker moved to the Lt Govern^{r} that they were just upon resolving of a vote to be sent up relating to the Goal, and desired a quarter of an hour's time for the conclusion thereof. The Lt Govern^{r} told them they might have so long time for finishing the same.

Whereas there is due to Mr. Charles Story, from the 17th of August to the 17th of February last past, six pounds for his salary as secretary: Ordered that an order go forth to the treasurer for the paymt of the same.

Mr. John Smith brought a vote from the House of Representatives relating to the erecting a Goal.

The Lt Governr sent John Gerrish, Esq., as a messuage to call the said House up again to this board, who came accordingly; and the Lt Governr was pleased to adjourn them till the second Tuesday in June next.

[P. 29,] Province of New Hampr. } At a Council and Genll Assembly held at Portsmouth, the 11th day of June, Anno dmi. 1700, Post merediem.

Present,

The Honble Wm Partridge, Esq., Lt Governr,

John Hincks, Nathl Fryer, } Esqrs. Peter Coffin, John Gerrish, } Esqrs.

Richd Waldron, Esq.

The Lt Governr produced a letter directed (for the Lt Governr, Council and House of Representatives of the Province of New Hampshire) dated at Boston, the 6th of June, 1700, from his Excellency Richard Earle of Bellomont, which was read at this Board and sent down to the House of Representatives by the secretary, Mr. Charles Story, a copy whereof is as follows, viz.:

Boston, 6th June, 1700.

Gentlemen:—The encroachment of the French to the eastward of New Hampshire, and their having alienated the Indians all about you from their former obedience to the King, makes it too manifest that their aim and design is to supplant the English and make themselves mrs of all this continent; adding to that, too, the late intelligence I have had of the restless endeavors of the French to debauch the five nations of Indians in the Province of New York from yr obedience to the King, wherein it is to be feared they have made too successful a progress; forasmuch,

therefore, as we are thus beset on every hand by the French, it behooves us to put everything in practice for our defense and security.

Nothing can be thought of that's more necessary for that end than the fortifying y^or harbor; and in regard of the smallness of that Province and slender number of people there, it would be too great an undertaking for you to build a sufficient fort on the Great Island in Piscataqua River; if you will be at the charge of bringing all materials in place, I will endeavor to dispose [P. 30.] the King to be at the charge of building this said fort; but then I advise you to lose no time, but immediately to pass such a Law as shall effectually oblige the Province to provide the said materials; of all which I will send you in a few days the estimates, and so I conclude,

Gentlemen,
Your affectionate friend,
And humble servant,
BELLOMONT.

Samuel Alcock, comand^r of the ship Richard & Margaret, now laden and bound for Barbadoes, complaineth that Mr. Sampson Sheafe, Deputy Collector of this Province, refuses to give him his clearing, until he first come to an anchor with the said vessel at New Castle; which is contrary to common usage ever since the settlem^t of the Governm^t of this Province, under his Excellency the Earle of Bellomont.

Ordered that the Secretary give notice to Mr. Samson Sheafe, to appear before the Lt Govern^r and Council tomorrow morning at eight o'clock, to answer said complaint.

Whereas Thomas Laton, pursuant to an order of Council of the 19th of February last past, was sent as a messenger by the Lt Govern^r to the Earle of Bellomont, then in Boston, to give him an account of some Indians' proceedings at Cochecha, for which service said Laton was promised one pound, eighteen shillings:

Ordered, That the Secretary grant an order to the treasurer to pay the Said Laton one pound, eighteen shillings.

Adjorn'd till to-morrow morning, eight o'clock.

[P. 31.] Province of New Hampshire.

At a meeting of the Council and Gen^{ll} Assembly, held at Portsm^{o} by adjornment, on Wednesday, the 12th June, 1700, Ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Peter Coffin, John Geerish, } Esqrs.

Richard Waldron, Esq.

The complaint of Saml Alcock being read at this board agst Sampson Sheafe, Deputy Collector, for refusing to clear his vessel, the said Sheafe then present, but gave no reason according to Law why he did refuse the clearing said Alcock's ship or vessel; only said he did it because Mr. Armestrong, the naval officer, had informed him that my Lord had so ordered it; but no such order appearing, Mr. Sheafe did promise for the future to give clearings as formerly, unless to such vessels as he had cause to suspect of loading any thing contrary to law.

A vote from the House of Representatives was brought to this Board by Mr. Joseph Swett, concerning passing an act about willful perjury, fornication and profanation of the Lord's day.

Mr. Theophilus Dudley brought up the Lord Bellomont's letter which was sent down to the House of Representatives yesterday.

Joshua Pearce's petition, relating to monyes due to him from ye Province, was read. Ordered that the Secretary look out for the debenter and make report to the Council at y^{r} next sitting.

Shadrach Walton's petition was read, relating to 25^{lb}: 04^{s}: 02^{d} due to him for his wages as Captain of the fort W^{m} and Mary.

Ordered that the said sum of 25^{lb}: 04^{s}: 02^{d} be discounted with Capt. Walton in part of the publick mony in his hand, which he formerly received of Mr. Pheasant Eastwick, as per his receipt appears.

The petition of Mr. Richard Hilton, of Exeter, was read at this board, relating for a ferry to be granted him [P. 32.] for transporting horse and man from Swamscott over the River against his house for 50 years' time. Allowed of, and afterwards sent to the House of Representatives by Mr. Charles Story, Secretary.

Mr. Moses Levitt brought a vote from the House of Representatives to this board, that Mr. Richard Hilton's petition be granted concerning the ferry from his house to Swamscott, Provided there be a convenient way on both sides the river laid out to said ferry, without making it a Province charge; every man and horse to pay 6^{d} a time, and a single person two pence, which being read, was agreed to by the Lt Govern^{r} and Council, and ordered that a Bill be drawn accordingly, and that Mr. Charles Story draw the same.

The petition of Abraham Clements of Hampton, concerning his having a trial at the Court of Common Pleas, the 7th of June, 1699, at the suit of one Nathl Ayers, at which Court Judgement was obtained against said Clements, upon which he appealed to the Superiour Court following; but the Governm^{t} being changed the said Superiour Court was altered, and at the next Superiour Court that was held the Judges was of opinion that the cause could not be tried before them for which he craves a new trial next Superiour Court,—was read at this board and sent to the House of Representatives by Mr. Charles Story, Secretary.

Mr. Hill brought Mr. Clements' petition from the House of Representatives to this Board, with a vote on back side of said petition, that Abraham Clements' petition within mentioned, concerning a hearing of his case at the next Superiour Court, be granted.

Agreed to by the Lt Govern^{r} and Council, and ordered that a Bill be drawn accordingly.

A Bill for settling a ferry between Swamscott and Mr. Richard Hilton's house, in the township of Exeter, was

three times read at this board and sent down to the House of Representatives by Mr. Charles Story, Secretary, for y^r concurrence; being first passed by the Council to be enacted, and was afterwards consented to by the Lt Govern^r, and by him signed accordingly.

[P. 33.] The petition of the selectmen and other the inhabitants of the town of Hampton, concerning great disturbances made by several ill disposed persons in the said towne, taking upon them to fence in considerable parcels of principal feeding lands belonging to the town of Hampton, &c., was read and sent down to the House of Representatives.

Mr. Theophilus Dudley brought up to this Board said petition from the House of Representatives, and a vote that an act be passed that no person whatsoever shall presume to fence in any common land belonging to any town within this Province, without they obtain some grant or liberty from the freeholders of said town, where said land belongeth, upon pain or penalty of being accounted disturbers of the peace of his majesty's subjects in this Province; and it shall be in the liberty of a Justice of Peace to bind over any such person to the next Quarter Sessions of the Peace, to answer for their contempt for not observing said act.

A vote was sent up from the House of Representatives to this Board as follows: Upon reading a letter of the 6th of June, 1700, from his Excellency the Earle of Bellomont, our Governor, &c., directed to the Lt Govern^r, Council and Representatives of the Province of New Hampshire, importing the danger we may be exposed to and the necessity of well fortifying our Harbour,

Voted, that an answer be forthwith given his Excellency in a letter from the Gen^ll Assembly, wherein first to acknowledge the many benefits and advantages that have accrued to the inhabitants of this poor Province the year past, who have enjoyed a great deal of peace and quietness, without disturbance, being the fruits and effects of

his Excellency's prudent conduct and good settlement of the Governm^{t} here; also to represent to his Excellency the extreme poverty and inconsiderableness of this Province, having been extremely lessened and impoverished by the late war, and just now wading through the difficulty of discharging all publick debts, [P.34.] formerly contracted for our defense agst the common enemy, besides the unhappy circumstances we at present labor under, by a growing charge to defend our Rights and properties agst one, who, for lending a few hundred pounds to a pretended proprietor, claims the possession of our Houses and Lands, which, with the expense of so much blood and mony, even far beyond the intrinsic value thereof, our ancestors and Selves have hitherto defended, both in the former Indian war and in the late French and Indian War, whereby his maj'ty's Right, interest and dominion in and over this part of our territory of New England, hath hitherto been preserved; but, however, with all humble gratitude to acknowledge his Excellency's great care and concernedness for our future defense in time of danger, and to assure his Excellency that when ever he shall see cause to order the building a more sufficient fortification on the Great Island, we will contribute according to our utmost ability towards finding materials for the same, which we shall be more particular in when his Excellency shall please to send us an estimate of the charge thereof, wch we account our selves obliged to, as well in duty to his most Excellent Maj'ty, as for our own preservation, only we desire his Lord^{pp} may be put in mind that the fortifying Piscataqua River doth as much concern the Massachusetts as ye Province, whose interests on that side the River is of much more value than ours on this, and pray that the Honble Lt Govern^{r} and Council will join with us herein.

Passed by the House of Representatives.

THEODORE ATKINSON, Clerk.

The Lt. Govern^{r} and Council having heard the above-said vote read, gave consent thereunto and order the Secretary to draw a letter directed to his Excellency Richard, Earle of Bellomont, accordingly.

[P. 35.] Mr. Charles Story was sent to call up the House of Representatives, who accordingly came, and passed the bill to be enacted, entituled an Act for settling the ferry between Swamscott and Mr. Richard Hilton's House, in the town^{pp} of Exeter.

Then the Lt. Govern^{r}, Council and Assembly subscribed y^{r} names to a letter, directed to Richard, Earle of Bellomont, a copy of which is as follows:

Portsmouth, 12th June, 1700.

May it please your Excellency,—We cannot omit a due acknowledgem^{t} of the many benefits and advantages of y^{s} poor Province, the year past, having enjoyed a great deal of peace and tranquillity without disturbance, which we find to be the fruits and effects of your Excellency's prudent conduct and good settlem^{t} of the Governm^{t} among us.

Wee not enlarge upon the exceeding poverty and inconsiderableness of this small Province, who have been extremely lessened and impoverished by the late war, and just now wading through the difficulty of discharging all publick debts, contracted for our defense against the late common enemy; besides the unhappy circumstances that we at present labor under, to defend our Rights and properties against one, who for lending a small sum of money to a pretended proprietor (and a little more to stop the mouths of his heirs after his death), now claims the possession of our houses and lands, which with the expence of so much Blood and mony, even far beyond the intrinsique value thereof, our ancestors and selves have hitherto defended, both in the former Indian War and in the late French and Indian War, whereby his Maj'ty's Right, interest and Dominion, in and over this part of his Territory of New England, has been hitherto preserved.

But notwithstanding all our ill circumstances, we do, with all humble gratitude acknowledge your Excellency's great care and concernedness for our future defense in time of danger, signified in your Excellency's Letter of the 6th curr^{t}, and crave leave to assure your Excellency, that whenever you shall see cause to order the building a more sufficient fortification upon the Great

[P. 36.] Island, we will contribute according to our utmost ability towards finding materials for the same; which we shall be more particular in, when your Excellency shall please to send us an estimate of the charge thereof: And this we account ourselves obliged to, as well in duty to his most Excellent Maj'ty as for our own preservation.

Wee only further presume to put your Excellency in mind that the fortifying Piscataqua River doth as much concern the Massachusetts as this Province, whose interest on that side the River is of much more value than ours on this, &c.

Then the Lt Governor adjourned the Council and Assembly till the 2^d Tuesday in July next.

Province of New Hampshire. } At a Council and Gen^ll Assembly held at Portsm^o, by adjournment, on Tuesday, the 9th July, ante meredíem, 1700.

Present,

The Honble Wm Partridge, Esq., Lt Govern^r,

Nathl Fryer, Peter Coffin, } Esqrs. Robert Elliott, Esq., John Gerrish, Esq., }

Richard Waldron, Esq.

The Lt Govern^r produced an estimate or computation, which was sent from his Excellency Richard, Earle of Bellomont, relating to materials for the building a new fort on Great Island in Piscataqua River, was read to this Board, and sent down to the House of Representatives per Mr. Charles Story, Secretary.

The Lt Govern^r likewise produced a copy of a petition of several masters of Coasting vessels and Lumber Carriers, which was sent from the Earle of Bellomont, being directed to him, relating to their being greatly oppressed by reason of the fees demanded and taken from them by the officers in the Province of New Hampshire, — was read at this Board.

[Pr. Rec. B. II, p. 241.]

To his Excellency, Richard, Earle of Bellomont, Capt. General and Governor in Chief of his Majesty's Provinces of the Massachusetts Bay, New York and New Hampshire:

The Petition of several Masters of coasting vessels and lumber carriers: Humbly sheweth,—

That your petitioners, being frequently employed to make voyages from Boston and other ports in the river of Piscataqua, as well in places lying thereupon belonging to the Province of the Massachusetts Bay, as to towns and places thereon belonging to the Province of New Hampshire, for the fetching of boards and lumber from thence, are greatly oppressed by reason of the fees demanded and taken from them by the officers in the said Province of New Hampshire, viz: Every vessel coming out of the said river is obliged to pay to the officers there ten shillings and six pence before such vessel can be permitted to pass the Fort on Great Island; which charges do sometime amount to near as much as the freight such vessel makes: and the same fees are not only exacted from vessels coming from places in the said Province of the New Hampshire, but also from vessels coming from places in the Province of the Massachusetts Bay which lye upon Piscataqua river aforesaid, altho' one half of said river belongs to the Province of the Massachusetts Bay.*

Your petitioners therefore humbly pray your Excellency to give orders to the officers in the said Province of New Hampshire, to take such fees only as your Excellency shall judge reasonable for coasting vessels and lumber carriers going into the said Province, and not to demand or exact any thing from vessels coming out of said river of Piscataqua from places belonging to the said Province of the Massachusetts Bay.

And your petitioners shall ever pray, &c.

Joseph Hood,	Henry Collins,	Thomas Newman,
Sam[l] Dutch,	Dan[l] Wair,	Steph. Ackerman,
W[m] Sargent,	John Haman,	Edward Poor,
The marke × of	Elias Elwell,	Sam[ll] Stephens.
Henry Numan,	James Sanswood,	

[No date.]

[P. 37.] W[m] Partridge, Jun[r], gave in his account to this Board, amounting to 18[s], for riding and going to each town

* Massachusetts claimed to the middle of Piscataqua river. The dispute about the boundary line between New Hampshire and Massachusetts was not settled finally until 1741. See Belk. Farm. pp. 257-259. — Ed.

in the Province to get a list of the soldiers and officers of the militia to be sent to his Excellency; was passed and allowed.

Ordered, that the Secretary make out an order to the Treasurer for the same.

Mr. Samuel Winckley's petition was read at this Board, relating to the importing 41 tearces of Rum, about one year 1–2 ago into this River, and 25 Hogsheads of Molasses, and paid full duties for the same; But some small time afterwards exported 21 tearces of Rum out again of said River, and 13 hogsheads of molasses.

Ordered, that if it appear by the officers' Books, that such duty was fully paid, and that such quantities of liquor and molasses was exported, as alledged in said petition, that then the said Sam^{ll} Winckley have his draw-back allowed, as the law directs.

Mrs. Elizabeth Harvey's petition was read, relating to her keeping the Post-office, and desiring abatem^{t} of her excise, as for keeping a Publick House.

Whereas his Excellency, the Earle of Bellomont, our Govern^{r}, has been pleased to recommend to the Lt Govern^{r} and Council, the consideration of some addition to be made to the Secretary's Salary:

Ordered, that considering Mr. Charles Story, the present Secretary, for his extraordinary service in transcribing the Laws, Minutes of Council, &c., to send for England, that he be allowed twelve pounds for his said service the year past, besides the accustomed salary of twelve pounds per annum.

Jonathan Wadleigh and Nicho^{s} Gordin, their petition relating to a Rate formerly made in the year 1696-7 for the building a meeting house at Exeter, and said Rate being not fully paid by reason of the Poverty of the people, petitioned for *address* [?] was read at this Board and sent down to the House of Representatives by Mr. Charles Story, Secretary.

Adjourned till to-morrow morning 10 of the clock.

[P. 38.] Province of New Hampshire.

At a Council and Gener^{ll} Assembly held by adjournment, at Portsm^{o} the 10th of July, Ante Merediem, anno Dmi., 1700.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},
Peter Coffin, Esq., John Gerrish, Esq.,
Richard Waldron, Esq.

There not being a full Council, the Lt Govern^{r} was pleased to adjourn the Council till to-morrow morning, 10 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjournment, on Thursday, the 11th of July, 1700, Ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},
Nathl Fryar, Robert Elliott, } Esqrs. Peter Coffin, John Gerrish, } Esqrs.
Richard Waldron, Esq.

Mr. Nathl Hill brought up to this Board from the House of Representatives, an estimate made by them of what the materials for building a fort or castle on Great Island, proposed by Col. Romer, will amount to when brought to the place, being £8204 : 01s : 04d, as upon file, was read.

[Pr. Rec. B. II., p. 244.]

Pursuant to your Excellency's order, I have, according to the best of my judgment, put down what materials there will be necessary for building a Fort upon the neck of Great Island, near New Castle in Piscataqua river:

14,784 cart-loads of quarry stones,
49,280 bushels of Newbury marble lime stones,
24,640 bushels of sharp fresh water sand, one third part of that number finer sand for the brick work,
22,000 bricks of 10, 5 and 2½ inches,
3,592 bushels of Newbury lime for the use of the bricks.

Scaffolding Timber.

200 spars, one half of 16, and the other ½ 24 foot long,
600 planks of 15 foot long and 2 inches thick,
200 pieces of 5 foot long, 4 and 5 inches thick.

For the Vaults.

2000 deals of 14 foot long and 1½ inches thick,
64 pieces of 12½ foot long, and 7 and six inches thick,
4000 foot of ribbs, 4 and 5 inches thick; 'tis no matter if they be of all sorts of length, and any slabs that come from the blocks will serve for the moddles of the vaults.

W. ROMER.

[Pr. Rec. B. II., p. 249.]

An estimate of what those materials for building Fort or Castle on Great Island, taken by Col. Romer, will amount to when brought to said place:

	£	s.	d.
1st. 14,784 Cart loads of quarry stone brought to the place will cost 6s per load, which amounts to	4,435:	4:	0
2d. 49,280 bush. Newbury marble lime at 15d per bush., ...	3,080:	08:	0
3d. 24,640 bush. of sharp fresh water sand, at 1d per bush., ...	126:	10:	0
4th. To ½ of fine sand at 1d per bush. brought in place, ...	042:	3:	4
5th. 22,000 brick brought to sd place at 20s per M, .	220:	00:	0
6th. 3,592 bush. Newbury lime at 15d per bush. at sd place, ...	173:	12:	0
7th. 200 spars at 12d per spar, ...	10:	00:	0
8th. 600 of plank, engaged to be 12,000 foot at £4, .	48:	00:	0
9th. 200 pieces of 5 foot long, 4 and 5 inches, . .	03:	00:	0
10th. 2,000 deals, engaged to be 40 thousand foot, .	50:	00:	0
11th. 64 pieces of 12 foot ½ long and 6 and 7 inches,	03:	04:	0
12th. 4,000 foot of ribbs, 4 and 5 inches, . . .	06:	00:	0
	£8,204:	01	04

By order of the Assembly,

HENRY DOW, Clerk *pro tempore.*

[NOTE. Another estimate makes the cost, £6,105 : 14 : 08. Both estimates laid before his Ex. Earle of Bellomont.—ED.]

Mr. James Randle brought up a vote from the House of Representatives, relating that the Indians hence forward be at no time suffered to come within the body of any of the towns within this Province; but whereas some of them profess subjection to the Crown of England, that so long they be supplied with suitable necessaries at some frontier places, according to the direction of the Honble the Govern^{r} and Council, and that effectual care be taken for repairing the several garrisons, and maintaining constant watch in every respective town, was read at this Board.

Samuel Penhallow, Esq., Treasurer, came to this Board and desired an order of Council for 50^{lb}, which he disbursed towards building a Goal, there being a rate made for 460^{lb}; wherein is expressed for payment [P. 39.] of the Province debts, building a Goal, &c.

Ordered, that the said 50^{lb} be allowed, and an order accordingly granted for paym^{t} of the same, out of the last 460^{lbs} Rate.

Mr. Charles Story was sent to call the House of Representatives to this Board, who accordingly came. The Lt Govern^{r} acquainted them of the Reports that is abroad about the Indians, and that Mr. Addington, the Secretary at Boston, had wrote a Letter concerning them, which part relating to the Indians was sent down to them; and likewise thought the vote that they had sent to this Board might be too severe to consent to, by reason of debarring the Indians from trading or coming to the towns, &c., with several other arguments of discourse; and after a conference of about a quarter of an hour his Honor the Lt Govern^{r} was pleased to desire the gentlemen of the House of Representatives to consider of what had been said.

Whereas, there is cause of suspicion that the Indians are designing mischief agst us,

Ordered, that Major Wm Vaughan do forthwith send out his commands to the Captains and committee of the Militia in the respective towns within this Province, to take care

that the several Garrisons be put in repair, and to order such watches and wards as may prevent a surprise in case the Indian should break out into a new war, and that the Secretary give him notice accordingly.

Mr. James Randle brought up a vote to this Board from the House of Representatives, relating that the estimate made of the cost of the several materials necessary for the building a fort on Great Island, according to Col. Romer's computation, amounting to six thousand one hundred and five pounds, fourteen shillings and eight pence, be inclosed in a letter to his Excellency the Earl of Bellomont our Governor, to signify the incapacity for raising so great sum; as also to pray his Excellency's favor in giving orders for relief and assistance to be afforded us from our neighbors of the Massachusetts, in case of a new Indian war; was read (as on file).

Then the Lt Governor adjourned the Council and Assembly till Thursday next, the 18th of July, instant, at 12 of the clock.

[P. 40.] Province of New Hampshire.

At a Council and Gen^ll Assembly, held at Portsm^o on Thursday, the 18th of July, Anno Dmi., 1700, by adjournment.

Present,

The Honble Wm Partridge, Esq., Lt Govern^r,

John Hincks, Peter Coffin, } Esqrs. Robert Elliott, John Gerrish, } Esqrs.

Richard Waldron, Esq.

Pursuant to a vote sent up to this House last Assembly relating to write a letter to my Lord, with an estimate of Col. Romer's computation of the materials for building a fort at Great Island, Richard Waldron, Esq., was sent as a message to the House of Representatives to signify the concurrence of the Council with them in this matter.

Adjourned till 9 o'clock to-morrow morning.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, Friday, the 19th of July, 1700.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Peter Coffin, } Esqs. Robert Elliott, John Gerrish, } Esqs.

Richard Waldron, Esq.

Mr. John Plaisted brought up the Letter from the House of Representatives, to be sent to his Excellency Richard, Earle of Bellomont, about an estimate of Col. Romer's computation of materials for the building a fort at Great Istand, which is as follows, and was signed by the Govern^{r} and Council, and Representatives:

Portsm^{o}, 18th July, 1700.

May it please your Excellency,—We have received Col. Romer's computation of the materials necessary for the building of a fort at the Great Island; and made the lowest estimate of what the same will cost [P. 41] to be provided, and brought in place, which comes here inclosed and amounts to six thousand one hundred and five pounds, fourteen shillings and eight pence, a sum so much beyond the capacity of the poor people of this small and inconsiderable Province that we know not what to say to it; in our great straits and utmost necessity for raising money to defray the charge arising by reason of the late war, which lay hard upon us, both by sea and Land, we never could advance one thousand pound in one year, though our lives and estates lay at stake. And now having been necessitated to make a considerable rate and assessment this year to bring the Province out of debt; considering also the present danger of another war with the Indians, for that we have just cause by the carriage of the Pennicook Indians when last here, to suspect they design mischief against us; which gives occasion to be at a great expense in Garrisoning our frontiers, and providing for our own defense, so as to prevent a surprise; we shall be wholly uncapable of doing any thing towards the fort at Great Island this year.

We are so sensible of your Excellency's care for and favor towards us, that were your Excellency thoroughly acquainted with our miserable, poor and mean circumstances, we should

readily submit to what your Excellency should think us capable of doing in this matter.

We heartily lament your Excellency's removal so far from us, especially at such a time as this; but most humbly pray your Excellency to give such orders as that we may have some relief and assistance from our neighbors of the Massachusetts, in case the Indian War should break forth again.

We will give your Excellency no further trouble at present, but crave leave to subscribe,

May it please your Excellency,

Your most faithful and obedient serv's,

Wm Partridge,	Peter Coffin,
John Hinkes,	Robt Elliott,
John Gerrish,	Richard Waldron.

Saml Penhallow,	John Woodman,	John Plaisted,
Henry Dow,	Theophilus Dudley,	Nathl Hill,
John Tuttle,	John Smith,	Theodore Atkinson.
James Rendle,	Joseph Swett,	

[P. 42.] A vote was sent up by the House of Representatives, that an act be passed that all ships and other vessels above twelve tons, not belonging to this Province, coming into any Harbour within the same to trade or traffic, pay as tonnage duty to his Maj'ty, every voyage they make, twelve pence, or one pound of good new Gun Powder per ton; The same to be applied for defraying the publick charge of the Province, which was read by this Board, and agreed to by the Council, and ordered that a Bill be drawn accordingly, and that Mr. Charles Story and Mr. Theodore Attkinson prepare said Bill.

A vote was sent up by the House of Representatives to this Board, that an Act be passed for the better observation of the Lord's day; and that a Bill be drawn up accordingly, was read and agreed to by the Council, and ordered that Mr. Charles Story, secretary, prepare the said Bill.

A Bill for the better observation and keeping the Lord's day was three times read at this Board and past by the Council to be enacted, and afterwards sent down to the House of Representatives by Mr. Charles Story, Secretary, for their concurrence.

This Bill having past both Houses, was consented to by the Honble the Lt. Govern^{r}, and by him signed accordingly.

Mr. Charles Story was sent to call the House of Representatives to this Board, who accordingly came.

Then the Lt. Governor was pleased to adjourn the Council and Assembly till Tuesday, the 20th of August next, at twelve of the clock.

26th July, 1700.

To this time all Minutes of Council sent to the Earl of Bellomont, in order to be sent to England.

[P. 43.] Province of New Hampshire.

At a Council and Gene^{ll} Assembly, held at Portsm^{o} by adjourhment, the 20th of August, Anno Dmi., 1700.

Present,

The Lt Govern^{r}, William Partridge, Esq.,

John Hinkes, Nathl Fryer, } Esqs. John Gerrish, Richd Waldron, } Esqs.

There not being a full Council, the Lt Govern^{r} was pleased to adjourn this Board till to morrow morning, at 9 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjournment, the 21st of August, Anno Dmi., 1700 (1).

Present,

The Honble William Partridge, Esq., Lt Gov.,

John Hinkes, Nathl Fryer, } Esqs. Peter Coffin, John Gerrish, } Esqs.

Richard Waldron, Esq.

[Copied from MS. Minutes of Assembly.]

(1) Aug. 20, 1700. Capt. Pickerin & Mr. Moses Leavet being absent last meeting of this House, gave satisfaction for the same.

Aug. 21, 1700. Theodore Attkinson & John Plaisted paid each 12d for their being absent yesterday.

Mr. Charles Story was sent down to the House of Representatives with the Bill for granting unto his Maj'ty a duty upon tonnage of shipping, &c., for defraying the charge of his Maj'ty's forts and fortifications within this Province, and for the further support of the Government.

Adjourned till 3 o'clock in the afternoon.

[P. 44.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsmouth by adjournment on Wednesday, the 21st August, 1700, post meredicm.

Present,

The Hon. Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nathl Fryer, } Esqs. Peter Coffin, John Gerrish, } Esqs.

Richard Waldron, Esq.

Mr. Theophilus Dudley, one of the Representatives, brought up to this Board a vote as foll.:

Whereas, there is a deficiency in this Province for want of Several Laws, it is humbly offered that a Committee be chosen out of each House for transcribing and drawing up such a body of Laws as may be suitable to the constitution of the Province, — was read.

Mr. John Smith, one of the Representatives, brought up the Bill entitled an Act for granting unto his Maj'ty a Duty upon Tonnage of Shipping, &c., for defraying the charge of his majesty's forts and fortifications within this Province, and for the further support of the Government, with some amendment, which was read at this Board.

Adjourned till to morrow morning, 9 o'clock.

[P. 45.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adjournment, at Portsm^{o}, on Thursday, the 22^{d} August, 1700.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Peter Coffin, } Esqrs. John Gerrish, Richd Waldron, } Esqrs.

There not being a full Council, his Honor the Lt Govern^{r} was pleased to send Mr. Charles Story to call up the House of Representatives to this Board, who accordingly came; and his Hon^{r} was pleased to adjourn them till the second Wednesday in October next, at 10 of the clock in the forenoon.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsmouth, by adjournment, Wednesday the 9th October, 1700, post Merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nathl Fryar, } Esqrs. John Gerrish, Richard Waldron, } Esqrs.

There not being a full Council to proceed upon Publick affairs, His Hon^{r} the Lt Govern^{r} was pleased to adjourn the Assembly till the last Wednesday in January next, being the 29th day of said January.

[P. 46.] Province of New Hampshire.

At a Council and Gener^{ll} Assembly, held at Portsm^{o}, by adjournment, on Wednesday, the 29th January, 1700, post meredien.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hincks, Nathl Fryer, } Esqrs. Robert Elliott, Richard Waldron, } Esqrs.

John Gerrish, Esq.

Mr. John Smith, one of the Assembly, brought to this Board a vote that the Law of tonnage, Impost and excise be continued for one year only, with this alteration: that all vessels above fourteen tons pay powder money duely, according as they of thirty tons did in the former act, except those that came loaden with hay or provisions.

Ordered, that Mr. Sampson Sheafe have five pounds paid by the Treasurer of this Province, out of the next rate (made for payment of publick debts of said Province), for transcribing of several Laws in a Book, when he was Secretary.

The Lt Govern^r^ adjourned the Council till to-morrow morning, (9) o'clock.

[P. 47.] Province of New Hamsphire.

At a Council and Gen^ll^ Assembly, held at Portsm^o^ on Thursday, the 30th January, Anno Dmi. 1700, ante meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^r^,

John Hinkes, Nathl Fryer, } Esqrs. Robert Ellott, John Gerrish, } Esqrs.

Richard Waldron, Esq.

The Lt Govern^r^ produced a Letter to this Board from Mr. John Bridger, dated at Boston, the 21st instant, relating to some thousand of trees, which was prepared by said Bridger, in Order to make tar for his Maj'ty's use, was read, and is upon file.

[Province Rec. B. II., p. 290.]

LETTER FROM J. BRIDGER.

Honorable Sirs:—In May, June and July last, I prepared a great many thousand trees in order to make tar for the use of his Majesty, in the river of Piscataqua, particularly on the commons of Dover, on that side next to Suhawannick river, and in the woods next Quamphegen mill, and in the woods by John Wingett's, and on a point below the house of Wm. Henderson, sen;

all which lands were the Commons of the adjacent towns, and not fenced where the said trees were prepared.

Notwithstanding his Majesty has been at the charge of preparing said trees for his use,—as by an Act of the Assembly every one may improve any of the common land or its produce, more particular I presumed his Majesty might, when no injury to the subject,—yet some envious, malitious and unthinking people have felled many of the said trees which I prepared, to the great disappointment of the project I am on, and his Majesty's interest at home as well as here.

Such little and litigious actions makes me not doubt but the trees that were burnt was by design. I am sure this is an introduction to such belief.

I therefore make these unlawful actions known to you, which neither increase the actor's interest, nor does it blason your loyalty, except by punishing the offenders, which done, will prevent my asking redress from other places or persons; otherwise must seek to put a stop to such proceedings by the best and momentous care I am capable of. I shall wait your answers before I say to any else.

Your Honors'
Humble servt,
J. BRIDGER.*

Boston, Jan 21, 1700-1.
Superscribed—"On his Maj.' Service,
To Hon. Wm. Partridge, Esq., Lt. Govr.,
and Council of his Maj.' Province
of New Hampshire at
Piscataqua."

Copy of a letter from Mr. Robert Cole, his Majesty's Consul at Algiers, dated the 13th April, 1700, was read at this Board and put upon file.

Copy of the Dey of Algiers' letter to his Majesty, dated the 14th April, 1699, was read at this Board and upon file.

Copy of an order of the Lords of the Admiralty, dated the 2d June, 1700, to the Earle of Bellomont, was read at this Board, and put upon file.

Copy of a letter from Mr. Burchett, dated the 21st June, 1700, directed to the Earle of Bellomont, was read at this Board and put upon file.

* See also Council and Assembly Records, June 14, 1798.

An Extract from the Lords of the Council of Trade and Plantations y^r letter to the Earle of Bellomont, dated the 21st June, 1700, was read and put upon file.

Mr. John Smith, one of the House of Representatives, brought up a vote from said House to this Board, being as fol.

Whereas it hath been already moved that a committee out of both Houses be appointed for drawing up of such Laws as may be suitable for the constitution of the Province, We humbly crave leave to remind your Honors of the same, conceiving it to be of absolute necessity.

HENRY DOW, Clerk *Pro tempore.*

[P. 48.] Richard Waldron, Esq., was sent from this Board by the Lt Govern^r to the House of Representatives, to acquaint them to draw up a list of what Laws they might see most proper to be made, and send the same to this Board.

Mr. Speaker and Mr. Henry Dow of the House of Representatives came up to this Board, and Mr. Speaker made the following speech:

May it please your Honor,—The House of Representatives humbly conceive it necessary that a committee might be chosen out of both Houses for the drawing up of such Laws as may be most convenient for the service of his Maj'ty's subjects in this Province.

The petition of Gabriell Hamilton was read at this Board, relating to the estate of his father David Hamilton, of Dover, deceased, which estate was ordered by the Govern^r and Council, in 1697, to be sold by the Selectmen of Dover for the maintenance of his brother, David Hamilton, dec^d,—and afterwards sent down to the House of Representatives by Mr. Charles Story, Secretary.

The petition of James Phillipps, relating to money due to him as a soldier at the fort, was read and sent down to the House of Representatives by Mr. Charles Story, Secretary.

The Lt Govern^{r} adj^{d} this Board till tomorrow morning, 9 of the clock.

Province of New Hampshire. } At a Council and General Assembly, held by adjournment, at Portsm^{o}, the 31st of January, 1700, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nath. Fryer, } Esqrs. Robert Ellott, John Gerrish, } Esqrs.

Richd Waldron, Esq.

Robert Ellott, Esq., was sent down to the House of Representatives to discourse the House relating to the petition of Gabriel Hamilton, and to signify that it was the opinion of this Board that the select men of Dover have notice given them of said petition, that both parties be heard before any determination pass.

[P. 49.] Mr. Nathl Hall brought up the petition of Mr. David Hamilton from the House of Representatives, which was read at ye Board, and the answer was, that they were humbly of opinion that the select men of the town of Dover, together with the petitioner, be ordered to appear at the next Gen^{ll} Assembly and bring in a particular acc^{tt} of said estate. Which answer the Lt Govern^{r} and Council agreed with; and ordered that the Secretary give notice to the present select men of Dover, that they, together with such select men as is now living, which took the estate of said petitioner's father into their hands, be sent for, and bring in an acc^{tt} of the value and particulars thereof; and of the charge they have been at in maintenance of David Hamilton, deceased.

In compliance with the motion of the Assembly for the choosing a committee of both Houses to draw up such Bills as shall be thought fit, at present necessary to be passed into Laws for the good Governm^{t} of his maj'ty's subjects within this Province, to be presented to the Gene^{ll} Assem-

bly at their next session, The Council make choice of John Hincks and Robert Elliott, Esqrs., to join with two others chosen by the Assembly for that end; and that the Secretary be desired to join with them in that matter.

A complaint was sent up by the House of Representatives against Mr. James Meinzies, for uttering false reports, in company of Bonos Norton, Joseph Cass and Benj^a Fifield, ag^st Lt Govern^r Partridge, Peter Coffin, Robert Ellott, Richard Waldron and Wm Vaughan, Esqrs., and Mr. George Jeffrey, which is at large upon file.*

Ordered, that the Secretary issue forth summons to said James Meinzies, Bonos Norton, Joseph Cass and Benj. Fifield, to appear before this Board tomorrow by twelve of the clock in the forenoon.

Adjourn till tomorrow morning, 9 o'clock.

Province of New Hampshire. [P. 50.] } At a Council and Gen^ll Assembly, held by adjournm^t, at Portsm^o, the 1st Febr'y, 1700, ante meredicm.†

Present,

The Honble the Lt Govern^r Wm Partridge, Esq.,

John Hinkes, Nathl Fryer, } Esqrs. Robert Ellott, John Gerrish, } Esqrs.

Richard Waldron, Esq.

Bonus Norton and Joseph Cass, according to summons, appeared before this Board, as also did Mr. James Menzies, lawyer, to answer to a complaint made against him.

The complaint against Mr. Menzies was read, as upon file, and he desired a copy of said complaint, and time till Tuesday, 10 o'clock in forenoon, to answer thereto, which was accordingly granted.

* See Records of Council.

† Feb. 1, 1700-1. Whereas of late sundry members of this house have been wanting therein, — Ordered, that the Clerk send to them to appear on the 3d inst. to shew Reasons, if any they can, for their neglect.

Ordered, that Mr. Secretary return an answer to Mr. John Bridger, of his letter, dated at Boston the 21st January last, which was directed to this Board, — the answer upon file.

[Pr. Rec. B. II., p. 291.]

Secretary's Letter to Mr. John Bridger.

Portsmouth, Prim. Feb'y, 1700.

Mr. Jn. Bridger: — I am commanded by the Lt. Governor and Council to let you know they have received your letter of 21st January last, importing a complaint against sundry unknown persons for felling of trees prepared by you for making tar for his Majesty's use, with a suspicion that other trees lately burnt were done by design; together with a reflection on their Honors' loyalty; to which they have ordered me to give Answer as follows: That they much admire at your different sentiments concerning the government of this Province from what they were at your first coming hither, when you could not but justly acknowledge their abundant readiness to promote his Majesty's service and interest, particularly in that affair under your management, even far beyond what you met with in the Massachusetts government; And, for any persons offending according to your complaint, they think it your duty to prosecute such offenders, that they may receive condign punishment according to their demerits; and they will, on their parts, in nothing be wanting to prevent any prejudice to his Majesty's interest therein; and wish you may be able to give his Majesty as good an account of your negotiation in this his service, as they shall be of their loyalty when called in question.

This is all at present.

By order of Lt. Gov. and Council,
from your humble servt,
C. Story, Secy.

A Bill for reviewing an Act made in the 4th year of king Wm and Queen Mary's Reign, entitled an Act for defraying the Public charge of this Province, with a clause in said act for all ships or vessels above twelve tons to pay 12d per ton, or a pound of Powder, was sent up from the House of Representatives to this Board,

Which Bill, with a small amendmt, was three times read at this Board, and past by the Council to be enacted, and

afterwards sent down to the House of Representatives by Mr. Charles Story, Secretary, for their concurrence.

The Bill having past both Houses, was consented to by the Honble the Lt Govern^{r}, and by him signed accordingly.

Adjourned till 10 o'clock, Monday morning next.

[P. 51.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adjournm^{t} the 3^{d} day of February, Anno Dm. 1700.*

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Robert Ellott, Peter Coffin, } Esqrs.

Richard Waldron, Esq.

The Lieut. Govern^{r} sent Mr. Secretary as a messuage to call the House of Representatives to this Board.

Mr. Speaker and the rest of the House of Representatives came according to said messuage.

The Lt. Govern^{r} was pleased to acquaint them that there was a necessity for raising money for the paym^{t} of the Province Debts, and therefore thought it convenient they would inspect into the Treasurer's acc^{tts} and others, that thereby they might be better satisfied with the reasons for raising such money, and that they would expedite the same.

James Phillipps' petition was this day read again, and ordered, that care be taken to pay the petitioner out of the next Province Rates, what shall appear to be justly due to him.

Adjourned till 10 of the clock to-morrow morning.

* Feb. 3, 1700-1. Mr. Moses Levet assessed 4s. for his last week's Neglect.
Feb. 4. Mr. Dudly for absence yesterday p'd 12d.

[P. 52. Province of New Hampshire.

At a Council and Gene^{ll} Assembly held by adjournment at Portsm^{o}, the 4th of Feb'ry, 1700, Post merediem.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Peter Coffin, Robert Elliott, } Esqrs.

Richard Waldron, Esq.

Mr. James Meinzes appeared at this Board in order to answer to the complaint exhibited against him, which was publicly read [as follows]:

[Pr. Rec. B. II. p. 274.]

Whereas Information is this day Given by Mr. Joseph Swett, one of the members of ye Assembly, that one James Meinzes, a Lawyer, did some time this week, in the house of Bonos Norton, of Hampton, declare in company with Joseph Cass and Benj^{a} Fifield, that sundry Gentlemen within this Province, viz. the Honble Lt. Govern^{r} Partridge, Peter Coffin, Robert Ellott, Richard Waldron, Wm. Vaughan, Esqrs., and Mr. George Jaffrey, hath bought or did offer to buy, of Mr. Saml Allen, the propriety of this Province; which report has a tendency to the great disturbance and disquiett of his Maj'$^{ty's}$ good subjects here, and a reflection upon your Hon^{rs} mentioned; Therefore humbly crave, that the said James Meinzes, Benj^{a} Fifield, Bonos Norton and Joseph Cass, may be forthwith sent for, and exam^{d} concerning the p^{r}emises; and if the Report abovesaid be proved false, that the Reporter may be dealt with according to his misdemeanour.

By order of the Assembly.

THEODORE ATKINSON, Cler.

In answer to which the said James Meinzies acknowledged and confessed all matters expressed in said information to be truth, excepting the nominating of particular names.

The deposition of Christopher Pottle was publicly read at this Board, relating to prove the complaint against Mr. James Meinzies; which is upon file.

Joseph Cass and Bonus Norton, their depositions was drawn up and read before Mr. Meinzies, in order to make his exceptions against any thing therein writ, before said Cass and Norton was sworn, who made no other objections than that he desired said Cass and Norton to consider what they were going to swear, and use conscience in it. So said Cass and Norton's depositions was sworn before the Lt. Governor and Council, which is on file.

Ordered that said Meinzies pay all costs and charges accrued upon trial of said complaint, and be admonished never to raise or spread any such false reports again; — which costs is to be taxed by the Lt. Govern^{r} and Council, who taxeth the said costs to 1^{lb} 11^{s} 00^{d}, besides the Secretary's fees, and to stand committed until he pay the same.

The petition of Andrew Wiggins, relating to the bounding of his estate at Sandy Point and Squamscott, was read at this Board.

Adj^{d} till to-morrow, 10 o'clock in the forenoon.

[P. 53.] Province of New Hampshire.

At a Council and Genl Assembly held by adjournm^{t} at Portsm^{o}, the 5th of Febr'y, 1700, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Robert Ellott, Peter Coffin, } Esqrs.

Richard Waldron, Esq.

The names of the committee appointed by the House of Representatives to join with John Hinkes and Robert Ellott, Esqrs., for drawing of several bills, &c., was sent up by the House of Representatives; relating to Major Ingham being Recorder of all Deeds for this Province was read at this Board, and upon file.

A humble opinion of the House of Representatives, that

a particular account be taken of the King's stores, and return thereof to be made next Sessions, was read at this Board, being sent up by the House of Representatives, and upon file.

The Council humbly leave this matter to the Honble the Lt. Govern^{r}.

A vote relating that the south part of the Isle of Shoales pay taxes, &c., send a Representative to this Province, have a Justice of Peace, Constable and other Officers, was read at this Board, and upon file.

A vote that Major Wm Vaughan have 20^{lb} paid him for his service in keeping the Records of this Province, The Lt: Govern^{r} and Council consenting thereto: — Ordered that Major William Vaughan, and he only, be Recorder of all Deeds of Land in this Province; and that what deeds Mr. Charles Story, Secretary, hath recorded be reckoned and accounted good and valid to this day, and further —

Ordered, that the Secretary give notice, with all expedition, to Mr. James Blagdon one of the principall Inhabitants [P. 54.] of the Isle of Shoales, that he appear before the Lt. Govern^{r} upon the first convenience, to take his oath as Justice of the Peace in order to settle the inhabitants, where he lives under this governm^{t}, and to call them together to appoint a Representative for said place, to sit in Gen^{ll} Assembly and to observe such further orders and directions as he shall receive from the Honble the Lt. Govern^{r} concerning the same.

Adjourned till the 7th of March next at 10 of the clock in the forenoon.

Province of New Hampshire. } At a Council and General Assembly held at Portsm^{o} by adjournm^{t} the 7th day of March, 1700.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, John Gerrish, } Esqrs.

Richard Waldron, Esq.

The petition of John Partridge was read at this Board relating to an addition to be made to the price for passengers passing over the ferry which he now keeps, which was allowed and approved, and sent down to the house of Representatives, as appears at large upon file.

The select men of Dover and one Gabriell Hamilton appeared at this Board, in order to proceed upon a Petition of said Gabriell Hamilton delivered here last General session of Assembly, where said Hamilton desires the selectmen to render an account how they disposed of his father's estate, as is mentioned in said petition.

Whereas the select men of Dover moved that they had not timely notice to appear, whereby they were not prepared to answer said Hamilton's Petition: ordered that it be referred till the next Gene^ll Assembly, and that notice be given to the said select men by the Secretary, to appear at next General session of Assembly, to answer to [P. 55.] said Petition; he, the said Hamilton, calling upon the Secretary for said order.

Letter from Sir Henry Ashurst* to the Lt. Govern^r, Council and Assembly, dated the 24th April, 1700, was read at this Board, and sent down to the House of Representatives.*

Adjourned till to-morrow morning eight of the clock.

Letter from Sir Henry Ashurst.

[Pr. Rec. B. I. p. 240.]

LONDON, 24 April, '700.

* GENTLEMEN:—I have in yor lowest estate appeared for you, as yor Agent I have done you considerable service, procured you Mr. Partridge, yor Leftenant Governor, and was told that I should have a gratuity and a salary settled as the Agent. As you have stood in need of my interest and service, so you may doe againe. Whatever you thinke fitt to allow mee I pray let ye Leftenant Governor receive for my use. I delivered yor Address to the King, w'ch had not bin delivered at all, but for mee. I shall indeavor by my service. And I am, Gent, yor affect and humble ser'tt,

HENRE ASHERST.

[NOTE.—The chirography of the above letter, in the hand of Sir Henry, is exceedingly obscure, and entirely without punctuation.—ED.]

Province of New Hampshire. } At a Council and Gen^{ll} Assembly held at Portsm^{o} by adjournm^{t}, on Saturday, the 8th March, 1700.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, John Gerrish, } Esqrs.

Richard Waldron, Esq.

The Report of the committee for considering of what Laws was convenient for the good governm^{t} of the subjects of this Province, and necessary to be made and enacted, was delivered into this Board and read, as upon file.

Mr. Charles Story was sent down to the House of Representatives with said Report.

A vote was sent up to this Board from the House of Representatives, for the raising of three hundred pounds for the paying the Province debts, accounted to be due to the last of May next, — as upon file, — was three times read at this Board, and ordered that a Bill be drawn accordingly.

The Petition of John Partridge was brought to this Board by Mr. Smith, one of the House of Representatives, with a note fixed thereto as foll.:

The Assembly are humbly of opinion that two pence from the Maine to his Island, and six pence from thence to Great Island, is sufficient. by order.

Theodore Attkinson, clerk.

Ordered, by the Lt. Govern^{r} and Council, that the said Jno: Partridge for the future have and receive of every passenger that ferrys from the Maine to the Island two pence; and for every passenger that ferrys from said [P. 56.] Partridge's Island to the Great Island, six pence.

A vote brought from the House of Representatives, that there be paid unto Lt. Govern^{r} Partridge for the use of Sir Henry Ashurst, for service done by him for this Province, the sum of fifty pounds sterling, to be paid out of the income of this River as far as possible.

The Petition of Jonathan Wadleigh and Nicholas Gordon, as on file, was read at this Board and sent down to the House of Representatives, who sent the same up again with their opinion, that the constables and select men of Exeter, who served in the year one thousand six hundred and ninety-seven, be satisfied to appear at the next session of Assembly and then bring their original rate.

Ordered, that the Secretary notify to the said select men and constables, if called for by the petitioners, or some for them, that they appear at the next session of General Assembly, and bring in their Original Rate they petitioned about.

Mr. Charles Story, Secretary, gave in his acc^{tt} to this Board for his service, &c., as Secretary, which was sent to the House of Representatives, and brought hither again, who allowed said Charles Story sixty pounds, which was likewise allowed at this Board.

Ordered, that the said sixty pounds be paid out of the next Province rate and that an Order go to the Treasurer accordingly.

Treasurer's acc^{ts} was given into this Board and sent down to the House of Representatives, who returned the same back, with an estimate of what Debts are now due from the Province, and allowed the Treasurer's account to be one hundred and four pounds, twelve shillings, which was likewise allowed at this Board.

Ordered the same be paid out of next Province Rate.

The Bill for raising three hundred pounds was read three times at this Board, and ordered to be engrossed;

And having passed both Houses was enacted and consented to by the Lieut. Govern^{r}, and by him signed accordingly.

Estimate of the Province Debts upon file.

After which the Lt. Govern^{r} adjourned the Assembly, till the last Tuesday in April next, being the 29th day.

[P. 57.] Province of New Hampshire.

At a Council and General Assembly held at Portsm° by adjournm^t, Tuesday, the 29th April, 1701.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^r,

John Hinkes, } Esqrs. Peter Coffin, } Esqrs.

Wm Vaughan, } Esqrs. John Gerrish, } Esqrs.

Robert Elliott, Esq. Richard Waldron, Esq.

A vote sent up by Mr. Theodore Attkinson from the House of Representatives, that an addition be made to the Last Act past in this Province, relating to all vessels upwards of twelve tons not belonging to said Province, paying powder money for supply of his Majesty's fort at new castle, &c.; was read and upon file.

A vote sent up per ditto, that whereas by the aforesaid Act all vessels exceeding twelve tons, were obliged to pay one pound of powder or twelve pence per ton,

It is humbly offered for the better encouragement of Trade within this Province, that the Treasurer demand no more than twelve pence per thousand, of every such vessel as carrieth lumber from hence, was read, and upon file.

A vote was sent up, per ditto, that whereas the season of the year requires several of this House to be at home about their present necessary occasions, for sowing and planting, we humbly pray an adjournm^t until the 20th of May next, or when your Honor may in prudence see meet.

Mr. Secretary was sent to call the House of Representatives to this Board, to adjourn them till Tuesday, the twentieth of May next, at 12 of the clock in the forenoon.

[P. 58.] Province of New Hampshire.

At a Council and Gene^{ll} Assembly held at Portsm^{o} by adjournm^{t} the 20th May, 1701, Post meredie^{m}.

Present,

The Honble Wm Partridge, Esq., Lt. Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

Mr. Secretary carried to the House of Representatives by order of this Board a Report from the committee, of what Laws was proper to be past for the use of this Province, together with several Bills drawn up for that purpose.

Adj^{d} till Friday next, 2 o'clock, afternoon.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t}, Friday, the 23^{d} of May, 1701, Post meredie^{m}.

Present,

The Honble Wm Partridge, Esq., L^{t}. Govern^{r},

John Hinks, Nath. Fryer, Peter Coffin, } Esqrs. Wm Vaughan, Jno. Gerrish, Richd Waldron, } Esqrs.

The Lt. Govern^{r} produced a letter from New York, dated the 12th May, 1701, from the Council of that place, wherein was enclosed a letter from his Maj'ty King W^{m}, directed to the late Earle of Bellomont, deceas^{d}, or to the commander in chief of Province of New Hampshire for the time being, Dated at Hampton Court the 19th day of January in the 12th year of his Majesty's reign, relating to the Province aforesaid, in taking care in building and maintaining such forts either at Piscataqua or elsewhere in said Province, as are necessary for your security, without being burdensome to your neighbors, with other matters in said letter contained; And also a quota of men to be furnished by his Majesty's

respective [P. 59.] plantations on the continent of America, toward the defense of the frontiers of New York, in case they be invaded by an enemy, which is likewise upon file, and are in these words foll^{w}, having been both read at this Board.

[Superscription.]

"To our Right Trusty and Right well beloved cousin, Richard, Earle of Bellomont, our Capt. Gen^{ll} and Govern^{r}-in-chief of our Provinces of the Massachusetts Bay, New York and New Hampshire, in America, and of the Territories thereupon depending, &c.; Or to our commander-in-chief of our Province of New Hampshire, for the time being.
(New Hampshire)."

WILLIAM R.

Right trusty and Right well beloved Cousin, we greet you well: Whereas the welfare and security of our Plantations in America require the utmost care and application of such as are entrusted with the Governm^{t} of each of them, you are in our name to require our Council, and the General Assembly of our Province of New Hampshire, to exert the utmost of their power in providing for the Building and maintaining of such forts, either at Piscataqua, or elsewhere, within that Province, as are necessary for their security, without being burdensome to their neighbors, any further than absolute necessity shall require.

And in case the frontier of our Province of New York be at any time invaded by an enemy, you are likewise to call upon our Province of New Hampshire, to make good in men (or money in lieu thereof) their quota of Assistance, pursuant to the Repartition herewith sent you.

And you are withal to signify to them, that according to y^{r} behaviour on this occasion, they will recommend themselves to our Royal grace and favor. So we bid you heartily farewell.

Given at our Court, at Hampton Court, the 19th day of January, 1700-1, in the twelfth year of our Reigne.

By his Majesty's command,
JA. VERNON.

[P. 60.] The quota of men to be furnished by his Maj'ty's respective plantations on the continent of America towards the defence of the frontiers of New York, in case they be invaded by an enemy:

	MEN.
Massachusetts Bay,	350
New Hampshire,	40
Rhode Island and Providence Plantation,	48
Connecticut,	120
New York,	200
East New Jersey,	60
West New Jersey,	60
Pensylvania,	80
Mary Land,	160
Virginia,	240
	1358

Mr. Henry Dow, one of the members of the House of Representatives, brought up to this Board the following words in writing, viz:

May it please your Honors:

Whereas Capt. John Tuttle, of Dover, and Lt John Smith, of Hampton, two of the members of this House, have withdrawn themselves,* this House pray that their vacancy be made up out of the respective towns unto which they belong.

By order, Theodore Attkinson, Clerk.

Adj^d till the 2^d Tuesday in June next, being the 18th day, at ten of the clock in the forenoon.

* [Copied from MS. Minutes of the Assembly.]

May 22, 1701. The House being att a Debate whether through the Death of the Earle of Bellomont their power be not Ended, Therefore Desire the Speaker to Propose to the Lt. Gov'r & Council, for their Opinions in the matter.

May 23, 1701. Mr. Waldron [of the Council] sent down to answer the dout of the House, referring to their Powers being lessened by the Death of the Earl of Bellom. &c.

The mind of the Lt. Gov'r & Councill is, that the powers in an Officer are not altered by his Death.

It being Debated again in the House, they are most of the same mind with the Lt. Gov'r and Councill, but some objecting, the speaker is desired to inform the Lt. Gov'r and Councill, that the major part was for going on and acting as formerly. The speaker delivered the same.

Capt. John Tuttle and Lt. John Smith having withdrawn themselves from the Assembly, the Assembly Request the Lt. Gov'r that the vacancy may be made up by a new choice.

June 10th, 1701. Appeared in the Room of Capt. Tuttle, Lt. James Davis, and Timothy Hilliard in the room of Lt. John Smith; who, being qualified, are joyned as members of this House; the rest of the House meeting according to adjorn't.

[P. 61.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held by adjournm^{t} at Portsm^{o} the 10th of June, 1701, Ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinks, Robert Ellott, } Esqrs. John Gerrish, Wm Vaughan, } Esqrs.

Richd Waldron, Esq.

The Lt Govern^{r} granted a *dedimus potestatem* to Robert Ellott and Wm Vaughan, Esqs., and Charles Story, Secretary, to swear James Davis and Timothy Hilliard, two members of the Assembly elected to sit this day in Loco Capt. John Tuttle and Lt. John Smith, who took the oaths appointed to be taken, instead of the oaths of Allegiance and Supremacy mentioned in the statute made in the first year of King W^{m} and Queen Mary's Reign, as appears by a return of said *dedimus potestatem.*

Mr. Richard Jose, sheriffe of this Province, appeared at this Board and produced a Commission under the seal of the Province, and signed by the late Earle of Bellomont, dated at Portsm^{o}, the first day of August, 1699, for the office of Sheriffe, to execute the said office from said first day of August till the 29th day of September, 1700; and likewise made complaint that the said commission was falsely recorded by the late secretary, Mr. Sampson Sheafe; which commission being examined before the Lt Govern^{r} and Council, was found to be falsely recorded by Omitting the true time of said sheriff's continuing to execute his office, by two months or thereabouts.

Ordered, that it be entered under the Record, that it is a false Record, and that the present Secretary record the original *de novo.*

Adj^{d} till to morrow morning, 9 o'clock.

[P. 62.] Province of New Hampshire.

At a Council and General Assembly, held at Portsm° by adj^t the 11th day of June, 1701, Ante Merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^r,

John Hinkes, Robert Ellott, } Esqrs. Wm Vaughan, Richard Waldron, } Esqrs.

John Gerrish, Esq.

Mr. Nath. Hill brought up from the House of Representatives these several Bills, foll^w:

A Bill for establishing Town Bounds and Lands, &c.;
A Bill for limitation and quieting possessions;
A Bill against trespassing on Town commons;
A Bill for strengthening sheriffs, constables, &c.;
A Bill for an addition to the act relating to Courts;
A Bill to prevent frauds in Tanners, &c.;
A Bill for a Constable's watch;

Which Bills were passed by the Assembly and prayed to be engrossed.

All the aforesaid bills were read at this Board.

Edward Toogood brought to this Board a debenter for £15 due to himself, Saml Whidden and Mr. Penhallow's man, for one day's work going to Newichawanock to discover a quarry of stones for building the fort at Great Island,—was read.

Ordered that Edwd Toogood be paid 7s., Saml Whidden, 5s. 6d., Mr. Penhallow's man, 2s. 6d., out of the Treasury.

Adj^d till to-morrow morning, 8 of the clock.

[P. 63.] At a Council and Gen^ll Assembly, held by Adj^t at Portsm° on Thursday, the 12th of June, 1701, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^r,

John Hinkes, Robt Ellott, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richd Waldron, Esq.

Mr. James Randell, one of the members of the House of Representatives, brought up to this Board the foll. Bills:

An additional Bill for the settlement of Intestates' Estates;

An additional Bill to the Law entitled Marriages;

A Bill for punishing criminal offenders;

Which said Bills the House of Representatives humbly pray may be engrossed.

All which Bills were read at this Board.

Richard Waldron, Esq., was sent down to the House of Representatives with these following Bills to be amended, viz.,

The Bill against trespassing in town commons;

The Bill to prevent frauds in Tanners, &c.;

The Bill for strengthening sheriffs, constables, &c.

Adj^{d} till to-morrow eight of the clock, in the morning.

[P. 64.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t} the 13th of June, 1701, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqrs.	Wm Vaughan,	Esqrs.
Nathl Fryar,		John Gerrish,	
Robert Ellott,		Richd Waldron,	

Mr. Richard Waldron, Esq., was sent down to the House of Representatives with the Bill for establishing Town Bounds, Lands, &c., in order to be amended.

Mr. Dudly, one of the House of Representatives, brought up to this Board these foll. Bills, viz.,

The Bill to prevent frauds in Tanners, &c.;

The Bill for strengthening sheriffs, constables, &c., with their amendm^{ts}, which passed that House;

The Bill against trespassing on town commons, with its

amendm^{t}, ditto, who prays the same may be engrossed;

A Bill to prevent impounding cattle;

A Bill for registering Deeds and conveyances;—were read at this Board.

Adj^{d} till 3 o'clock in the afternoon.

[P. 65.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} the 13th of June, 1701, post merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richard Waldron, Esq.

Mr. Charles Story, Secretary, was sent down to the House of Representatives, with the Bill for registering of Deeds and conveyances, in order to be amended.

Mr. James Davis, one of the House of Representatives, brought up said Bill to this Board with its amendm^{ts}.

Adj^{d} till to-morrow morning, eight of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} the 14th of June, 1701, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richard Waldron, Esq.

Mr. James Davis, one of the House of Representatives, brought up to this Board a Bill against Adultery and Polygamy, and prayed the same might be engrossed.

A vote sent up from said House that all the Laws of this Province be forthwith put into print (at charge of the publick) was read.

These several Bills foll., having been read a third time and passed both Houses to be enacted, were consented to by the Lt Govern^{r}, and by him signed accordingly.

[P. 66.] An Act against Adultery and Polygamy.

An Act for the punishing criminal offenders.

An Act for Recording Deeds and conveyances.

An addition to the Act past about Intestates' estates, with another addition to Insolvent estates.

An Act agst trespassing on town commons.

An Act for aiding and assisting sheriffs, constables, &c., in y^{r} executing their office.

An Act to prevent Impounding cattle wrongfully.

An Act for Regulating Tann^{rs}, Curri^{rs}, cordwayn^{rs}, &c.

And then the Lt. Govern^{r} adj^{d} the Assembly till Wednesday next, the 18th day of June, inst., at ten of the clock in the forenoon.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t} on Wednesday, the 18th of June, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Peter Coffin, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richd Waldron, Esq.

The petition of sundry ordinary keepers of the town of Portsm^{o} was read at this Board and sent down to the House of Representatives. Petition on file.

Mr. Swett, one of the House of Representatives, brought up to this Board a Bill about keeping his Maj'ty's highways and Bridges in repair for the future,—was read at this Board.

Adj^{d} till to-morrow morning, eight of the clock.

[P. 67.] At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t} on Thursday, the 19th of June, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nathl Fryer, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

Mr. John Pickerin, one of the House of Representatives, brought to this Board a vote from said House, praying that they might have a sight of the papers put into the Governm^{t} and Council, formerly relating to the Bounds of the several Towns within this Province,—was read and put upon file (which papers was sent down to the House accordingly).

Mr. Charles Story was sent as a message to the House of Representatives with a recommendation to said House, signed by the Lt Govern^{r}, of the present state and condition of his Maj'ty's fort in Great Island, &c., being first read at this Board.

The petition of Nathl Ayres, smith, relating to a new trial or hearing of his case between him and one Abrah. Clements, depending at common law, was read at this Board and sent down to the House of Representatives.

The petition of James Phillipps, a soldier at the fort, was read at this Board, relating to what money was due to him for such his service as a soldier, might be ordered to be paid to himselfe and not to any person else, was read at this Board and on file.

The petition of Saml Comfort, Oar-maker, was read at this Board, relating to a new trial or hearing of a case wherein he was deft. at the suit of one Nathl Weare, pl^{t}, and sent down to the House of Representatives.

The House of Representatives sent up to this Board in writing, wherein they humbly pray a committee be appointed by this Board to consider of all papers put in, or

can be produced by the several towns or their Representatives, concerning the Bounds thereof, and to make report of their opinion in order to a settlement of said Bounds, was read at this Board.

[P. 68.] Ordered that Major Wm Vaughan and Peter Coffin, Esqrs., Capt. Henry Dow and Capt. John Pickerin, be a committee to consider of all papers put in or can be produced by the several towns or their Representatives, concerning the Bounds of said Towns, and to make report of their opinions, in order to a settlement thereof, to this Board by to-morrow morning, 10 of the clock, which order was sent down to the House of Representatives.

A Bill for taking affidavits out of Court was brought up to this Board by Mr. Timothy Hilliard, one of the House of Representatives.

Adjd till to-morrow morning, 10 of the clock.

Province of New Hampshire.

At a Council and Genll Assembly, held at Portsmo by adjt on Friday, the 20th of June, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Governr,

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richd Waldron, Esq.

The Bill for taking affidavits out of Court was sent down to the House of Representatives by Mr. Charles Story, Secretary, with an amendment.

The said Bill was sent up from the House of Representatives and amended, past, and ordered to be Engrossed.

Adjd till to-morrow morning, eight o'clock.

[P. 69.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adj^{t} on Saturday, the 21st of June, 1701, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

An addition to a former Act relating to sloops and other vessels above twelve tons, to pay powder money for one year from the date thereof, was sent up by the House of Representatives and read at this Board.

The Bill relating to the repairing his Maj'ty's highways within this Province, being formerly sent down to the House of Representatives by Mr. Dudly, one of the members of the said House, being as foll.:

21st June, 1701.

Voted that for the reïmbursing the Honble Wm Partridge, Esq., our Lt Govern^{r}, in part, for what he have expended for the use of this Province, that he shall have one hundred pounds paid out of the next assessment that is made in this Province, and also that there shall be paid to Sir Henry Ashurt, so much as shall make up that we gave him the 8th March, 1700,—one hundred pounds curr^{t} money of New England.

Past by the Assembly—*Nemine contradicente.*

Consented to by the Council.

HENRY DOW, Clerk *pro tempore.*

Another Vote was sent up, per ditto, being as foll:

21st June, 1701.

Voted that Mr. Charles Story shall have twelve pounds paid him out of the next assessment made in this Province as a gratification for his extraordinary service done for said Province.

Consented to by the Council; Past by the Assembly—*Nemine contradicente.*

HENRY DOW, Clerk *pro tempore.*

The petition of Nath[l] Ayers, smith, was sent back to this Board from the House of Representatives, with a vote that they granted his petition.

The petition of sundry ordinary keepers was sent up to this Board from the House of Representatives, with this answer: That they had read the same three times and see no cause to pass it.

[P. 70.] The petition of Samuel Comfort, Oar-maker, was brought up to this Board, from ditto, who thought it not convenient to do any thing about it.

These several Bills, having been read a third time and passed both Houses, to be enacted, were consented to by the L[t] Govern[r] and by him signed accordingly:

An Act for taking Affidavits out of Court;

An Act for Regulating of Seamen;

An Act for Repairing his Maj'ty's Highways, &c.

And then the Lt. Govern[r] adj[d] the Assembly till Wednesday the 16th of July next, 12 of the clock.

Province of New Hampshire.

At a Council and Gen[ll] Assembly held at Portsm[o] by adj[t] on Wednesday, the 16th July, 1701, post merediem.

Present,

The Hon. W[m] Partridge, Esq., L[t] Govern[r],

Nath[l] Fryer,	Esqrs.	W[m] Vaughan,	Esqrs.
Peter Coffin,		John Gerrish,	
Robert Ellott,		Richard Waldron,	

The petition of Benj. Shaw on behalf of his son Roger Shaw, was read and on file.

Ordered that Benj. Fifield and Thomas Roby appear at the Board to-morrow at 4 of the clock in the afternoon, and bring with them their acc[ttes], how, and to whom, they paid the Publick money which they had warr[ts] to collect according to the Act of Assembly, in order to adjusting acc[ttes] with

the Treasurer for the same; And that the Secretary make forth a summons accordingly.

An additional Act to the Law, Title Marriages, was read at this Board.

[P. 71.] The House of Representatives sent up to this Board, to pray their Hon^{rs} would consider of the former proposals about settlem^{t} of Towns^{pps} and Town Bounds.

Adj^{d} till to-morrow morning, eight of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Thursday, the 17th of July, 1701, Ante meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

Peter Coffin, Robert Ellott, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richard Waldron, Esq.

The Lt. Govern^{r} produced a Letter directed to this Board and House of Representatives, under the hand of Isaac Addington, Esq., Secretary of the Massachusetts Government, dated at Boston, June ultimo, 1701, relating to the laying impositions of tonnage and other duties, upon open vessels trading betwixt that Governm^{t} and this, was read at this Board and sent down to the House of Representatives.

A vote was sent up by the House of Representatives, relating to the sending an answer of said Letter; and that an Act be past to repeal a former Law about small vessels paying tonnage and other duties, &c., trading betwixt the Massachusetts Governm^{t} and this Governm^{t}.

Benj. Fifield and Thomas Roby appeared according to summons, and being examined what sum of money they were in arrear, and what was found to be so in arrear they were ordered to pay it to the present Treasurer in a week's time, who accordingly promised to pay the same.

The petition of Benj. Shaw was read again at this Board, relating to money due his son Roger Shaw, for working at the fort at New Castle, and upon examination of the same, it is found that the said Benj. Shaw was paid for what was due for his son Roger Shaw's work as aforesaid, by Constable Roby of Hampton.

Mr. Francis Tucker, his acc^{tt} am^{o} to eight pounds for Rent of the warehouse for the fort, from the 8th April, 1699, to 8th April, 1701, was allowed and ordered to be paid out of the next Rate.

[P. 72.] Wm Partridge, Esq., Lt Govern^{r}, produced an acc^{tt} to this Board for sundries owing him by the Province, amounting to four pounds, eight shillings and four pence, was allowed at this Board, and ordered to be paid by the Treasurer.

Mr. Wm Cotton's acc^{tts} from Febr'y, 1699, to Sept^{br} 1700, for riding, &c., about Province Business, was read, amounting to three pounds; allowed but two pounds ten shillings thereof, And ordered to be paid by the Treasurer out of the next Province Rate.

John Hinkes, Esq., produced his acc^{tts} to this Board, relating what was due to him from the Province for the service of himself and soldiers at the fort W^{m} and Mary, with other articles in said acc^{tts}, from the 17th of May, 1700, to the 17th of May, 1701, amounting to 78^{lb}: 6^{s}: 3^{d}, was read and allowed of, and ordered to be paid by the Treasurer, out of the next Province Rate.

Samuel Comfort's Acc^{tt} being read at this Board, Amounting to one Pound, eight shillings and six pence, was allowed — being for five square Ashen Oars, 17 foot each, for the Fort boat; And ordered that the same be paid out of the next Province Rate.

Adj^{d} till 8 o'clock to-morrow morning.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t}, on Friday, the 18th July, 1701.

Present,

The Hon. Wm Partridge, Esq., Lt Govern^{r},

Robert Ellott, Peter Coffin, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richard Waldron, Esq.

The petition of Major Wm Vaughan, Recorder, was read at this Board, relating to a complaint exhibited against him to the House of Representatives, by Messrs. Saml Penhallow and Saml Keais, for his, the said Vaughan's refusing to give them a Deed of Gift, given him to Record, &c., in which petition said Vaughan prays to have a hearing [P. 73.] before the Lt. Govern^{r} and Council, and that time be given him to make his answer to said complaint.

Ordered, that Major Wm Vaughan be allowed a hearing, and have time to answer to said complaint till to-morrow morning, by the 10 of the clock, and that all parties concerned have notice thereof given them by the Secretary, to attend at the Council Board accordingly.

A vote sent up by the House of Representatives that for time to come the clerk of the Assembly, and in his absence the clerk *pro tempore*, shall be allowed 18^{d} per diem, to be paid out of the publick Treasury for his writing and finding paper, &c., was read.

The following vote was sent up to this House, viz. (*in hæc verba.*)

To prevent any difference that may arise concerning the Bounds of the Respective Towns, within this Province, This House prays that the said Bounds may be ascertained as near as may be according to former settlement, and that such land lying between Portsmouth and Exeter as hath not hitherto been within any town may be now laid out to some next most convenient Town or Towns, as shall be

thought most meet,—And this to be enacted into a Law for the more sure confirmation thereof.

By order of the Assembly,

HENRY DOW, Clerk, *pro tempore.*

Adjourned till 2 o'clock this afternoon.

Pro. of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adj^{t} at Portsm^{o} on Friday, the 18th July, 1701, Post meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqrs.	Wm Vaughan,	Esqrs.
Robt Ellott,		John Gerrish,	
Peter Coffin,		Richd Waldron,	

A vote sent up from the House of Representatives, that a Committee be appointed to copy out such Laws as hath formally been passed in this Province, what shall be thought needful against the next sessions of the House in order to be printed.

[P. 74.] A vote sent up, ditto, that an Act be passed that no shop-keeper be permitted to keep a Publick House nor retail any manner of strong drink, and that from this day they shall be allowed three months and no longer to sell what they have laid in, notwithstanding any law, usage or custom to the contrary.

Read at this Board and past the Council.

An order for the better settlement of the Bounds between Portsm^{o}, Hampton and Exeter was read at this Board and upon file.

Ordered, that the Secretary make attested copies, and send one to Hampton, Exeter and Portsm^{o} each.

Adj^{d} till 8 o'clock to-morrow morning.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t}, on Saturday, the 19th July, 1701, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqrs.	Peter Coffin,	Esqrs.
Nathl Fryer,		Wm Vaughan,	
Robert Ellott,		John Gerrish,	

Richard Waldron, Esq.

The petition of Nathl Ayres, relating to a case depending between him and Abraham Clements, was read again at this Board.

Ordered, that the said petition be granted and that the Secretary issue forth a supersedeas to stop the executing execution agst Nathl Ayres in said case.

The petition of Major Wm Vaughan, Recorder, was again read at this Board, relating to the compl^{t} exhibited agst him to the House of Representatives by Messrs. Saml Penhallow and Saml Keais, &c.

An answer also to the compl^{t} aforesaid was deliv^{d} in writing to the Board by said Major Vaughan, and read accordingly, as upon file.

Upon a full hearing of the said [P. 75.] complaint all parties being present and Major Vaughan's answer thereto:

The Lt Governor and Council do adjudge and order that the original Deeds of Gift mentioned in said compl^{t} remains in Major Vaughan's hands; and that the said Vaughan, as Recorder, if said Deeds be not already Recorded, forthwith record the same, and give copy or copies thereof attested as Recorder, to the compl^{ts} or any other person concerned when regularly demanded of him.

Whereas a vote was sent up to this Board on Thursday last, from the House of Representatives, that an Act be past to repeal a formed Law about small vessels paying tonnage and other duties, &c., trading betwixt the Massachu-

setts Governm^{t} and this Governm^{t}, and because the said Act is near expiring,

Ordered that the Treasurer, or any other officer appointed for collecting said duty, do hereafter forbear the demanding or receiving any such duty, according to the tenor of the said former act, more than what was accustomary before said act was made, and that the Secretary give notice to said officers accordingly.

Major Wm Vaughan took the oath of Recorder of this Province, diligently and faithfully to discharge his said office according to the best of his understanding. (Oath upon file.)

Ordered that the several Constables hereafter named, who were Constables in the year 1698, have notice given them by the Secretary, to appear at this Board on Thursday, the 14th August next, at 2 o'clock in the afternoon, and bring with them their acc^{ts}, how and to whom they paid the publick money which they had warr^{ts} to collect, according to Act of Assembly, in order to adjusting acc^{ts} with the Treasurer.

CONSTABLES' NAMES.

Dover, James Bunker; Portsm., Joshua Pierce; Exeter, Jerem. Gillman and Andr. Wiggins, Jr.

A vote was sent up to this Board by the House of Representatives, that Richard Jose, Esq., have six pounds paid him for extraordinary service by him done for this Province, out of the next Province Rate, which was read at this Board, and allowed and approved of accordingly.

A vote was sent up to this Board by the House of Representatives, in hec virba:

May it please your Hon^{rs}: One of the members of this House belonging to Hampton, having by his misdemeanor contrary to the orders [P. 76.] of the House, occasioned his dismission from the House, the others belonging to Hamp-

ton humbly pray the vacancy may be made up by order of the House of Representatives.

THEODORE ATKINSON, Clerk.

Ordered that a writ go out directed to the Sheriffe for the election of a new member of said House to appear next sessions of Gen^{ll} Assembly.

The Lt Govern^{r} adj^{d} the Assembly till Thursday, 14th August, 1701.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Thursday, the 14th of Aug., 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Peter Coffin, } Esqrs. Wm Vaughan, John Gerrish, } Esqrs.

Richard Waldron, Esq.

Jeremiah Gillman, one of the Constables for the town of Exeter, in the year 1698, appeared at this Board according to summons in order to give an account how, and to whom, he paid the publick money which he had warr^{ts} to collect according to act of Assembly.

Ordered, that the said Gillman do make up said acc^{tt} with the present Treasurer within 14 days' time, and to pay the balance of the said acco^{tt} to said Treasurer.

James Bunker, Constable of the Town of Dover in the year 1698, appeared at this Board according to summons to make up his acc^{tt} as abovesaid.

Ordered, that the said Bunker pay to the Treasurer of said Province, one pound twelve shillings, in fourteen days' time.

Joshua Pierce, one of the Constables for the Town of Portsm^{o} in the year one thousand six hundred ninety-eight,

appeared at this Board according to summons, to make up his acc^{ts} as abovesaid.

Adj^{d} till the 28th day of August, Inst., at 12 of the clock.

[P. 77.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t}, on Thursday, the 28th Aug^{t}, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},
Wm Vaughan, Esq. Peter Coffin, Esq.
John Gerrish, Esq.

There not being a full Council, the Lt Govern^{r} adjourned this Board till to-morrow morning, eight of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held by adj^{t} at Portsm^{o}, Friday, the 29th Aug^{t}, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Wm Vaughan, Peter Coffin, } Esqrs. Robert Ellott, John Gerrish, Richard Waldron, } Esqrs.

Adj. till 8 o'clock to-morrow morning.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by Adj^{t}, on Saturday, the 30th Aug^{t}, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqrs.	Wm Vaughan,	Esqrs.
Robt Ellott,		John Gerrish,	
Peter Coffin,		Richard Waldron,	

Capt. Aaron Everdon, command^{r} of the ship Hope, having made application to this Board, to be abated as to paying of powder money for said ship,

Ordered, that said ship pay one half quantity of powder or money equivalent of what she use formerly to pay, and no more for this present voyage, and that an Order go to the Treasurer accordingly.

Letters about a quota of men to be sent to New York, and a letter about making a Law, that an Act be made to [P. 78.] prevent the spoiling of trees fit for the service of His Maj'ty's Navy, was sent down to the House of Representatives.

The said Letters were sent up again from the House of Representatives to this Board, with a vote, as upon file.

Richard Waldron, Esq., was sent down to call up the House of Representatives to this Board, who accordingly came, and the Lt. Govern^{r} was pleased to

Adjourn them till Wednesday, the 10th of Sept. next, a 12 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adj^{t}, at Portsm^{o}, on Wednesday, the 10th September, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},
Peter Coffin, Esq., Wm Vaughan, Esq.,
Richd Waldron, Esq.

There not being a full Council the Lt. Govern^{r} was pleased to adjourn this Board till to-morrow morning, eight of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adj^{t} at Portsm^{o} on Thursday, the 11th of Sep^{br}, 1701, Ante meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},
John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.
Richard Waldron, Esq.

Vote was sent up to this Board from the House of Representatives, by Mr. Theophilus Dudly, that all actions above 40^{s} shall first be brought at the Inferior Court of Common Pleas, and that either party shall have liberty to Review said action once, and no more, and an appeal be allowed to the Superior Court, and a review to be allowed at that Court once and no more; and if true value of the thing sued for be above the value of 100^{lbs} sterling, then either party shall have an appeal to the Govern^{r} and Council at this Board; — and past the Council.

Adj^{d} till 3 o'clock in the afternoon.

[P. 79.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o}, by Adj^{t}, on Thursday, the 11th 7^{br}, 1701, Post meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

Mr. Nath. Hill, one of the House of Representatives, brought up to this Board the foll. vote, viz.,

Voted, that all grants of Lands heretofore made either by the Town or Select men of the several Towns within this Province, shall stand good and valid to the Grantee, his Heirs, Executors and Assigns forever.

By order of the Representatives,

THEODORE ATTKINSON, clerk.

Adj^{d} till eight o'clock to-morrow morning.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adjm^{t}, on Friday, the 12th 7^{br}, 1701, Ante meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robert Ellott, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

A Bill for Regulating of Trials in civil causes was sent up to this Board by the House of Representatives.

Vote sent up by the House of Representatives, relating to all grants of Lands heretofore granted by the several Towns, select men, or Committees, shall be good to the grantee, his Heirs, Executors and Assigns forever; — read

at this Board (as upon file), who passed said vote, and Ordered that a Bill be prepared accordingly.

The petition of the select men of Exeter was read at ye Board relating to their Town Bounds as upon file.

[P. 80.] The petition of several of the inhabitants of the town of Exeter was read at this Board, relating that they may continue and belong to the said Town of Exeter, and not be put or joined to any other Town. Order upon Petition.

The Bill to prevent contention and controversy that may arise concerning the Bounds of the respective Towns within ye Province was three times read at this Board and past by the Council, and sent down to the House of Representatives in Order to be engrossed.

Adj^{d} till 3 o'clock, Post merediem.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Friday the 12th 7br, 1701, Post merediem.

Present,

The Honble Wm Partridge, Esq., Lt Gov.,

John Hinkes, Robt Ellott, } Esqs. Peter Coffin, Wm Vaughan, } Esqs.

Richd Waldron, Esq.

A vote for raising of five hundred and fifty pounds for defraying the Province ingagements, and laying before his Maj'ty the great grievances of this Province, was sent up to this Board by the House of Representatives, and read and past, and ordered that a Bill be drawn accordingly.

Adj^{d} till to-morrow morning, eight of the clock.

[P. 81.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Saturday, the 13th 7br, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govr.,

John Hinkes, Robt Ellott, } Esqs. Peter Coffin, Wm Vaughan, } Esqs.

Richard Waldron, Esq.

The Bill for raising of five hundred and fifty pounds was read three times at this Board, and past the Council, and ordered to be engrossed.

The Bill for confirmation of Town Grants was three times read at this Board, and past by the Council, and ordered to be engrossed.

These several Bills following, having past both Houses to be enacted, were consented to by the Lt Govern^{r} and by him signed accordingly.

An Act for the confirmation of Town Grants.

An Act for raising 550^{lbs} for defraying the public charge of this Province.

An Act to prevent contention and controversy that may arise concerning the Bounds of Respective Towns within this Province.

The Lt Govern^{r}, with the advice of his Council, prorogued the Assembly till the 2^{d} of October next, at twelve of the clock.

[P. 82.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Thursday, the 2^{d} October, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Robt Ellott, } Esqs. Wm Vaughan, John Gerrish, } Esqs.

Richard Waldron, Esq.

The Lt Govern^{r} adj^{d} the Council till to morrow, eight of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t} on Friday, the 3^{d} of October, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqs.	Wm Vaughan,	Esqs.
Robt Ellott,		John Gerrish,	
Peter Coffin,		Richard Waldron,	

A vote was brought up from the House of Representatives to this Board, that an Act relating to Courts be fairly drawn out and engrossed.

HENRY DOW, Clerk *pro tempore.*

Adj^{d} till to morrow morning, eight of the Clock.

[P. 83.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Saturday, the 4th of October, 1701.

Present,

The Honble Wm Partridge, Esq., Lt Govr,

John Hinkes,	Esqs.	Wm Vaughan,	Esqs.
Robert Ellott,		John Gerrish,	
Peter Coffin,		Richard Waldron,	

The petition of James Philipps, relating to his wages due as a soldier at the fort W^{m} and Mary to the 17th of May, 1701, was read at this Board.

Mr. Hinkes gave answer to said petition, being Capt. of this fort, that it was all paid to said time. Petition on file.

The Bill entitled an Act for regulating of trials in civil causes, having been read three times and past both Houses, was consented to by the Lt Govern^{r}, and by him signed accordingly.

Prorogued till the 1st Tuesday in April next.

The General Assembly was further prorogued till Tuesday, the 12th of May next, by order of Council the 28th of March, 1702, by way of proclamation.

[P. 84.] Province of New Hampshire.

At a Council and Genll Assembly, held by Prorogation on Tuesday, the 12th day of May, 1702.

Present,

The Lt Governr Wm Partridge, Esq.,

John Hinks, Robert Ellott, } Esqs. Wm Vaughan, John Gerrish, } Esqs.

Richard Waldron, Esq.

John Hinkes produced his debenter into this Board for his salary and wages for himself and the soldiers at the fort Wm and Mary, from the 17th May, 1701, to the 17th May, 1702, amount to 75lbs 10s 00d; was allowed and approved of.

Adjd till to morrow morning, 9 of the clock.

Province of New Hampshire.

At a Council and Genll Assembly, held at Portsmo by prorogation, on Wednesday, the 13th of May, 1702, Ante meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Governr,

John Hinkes, Robert Ellott, } Esqs. Wm Vaughan, John Gerrish, } Esqs.

Richard Waldron, Esq.

Mr. Charles Story, Secretary, was sent down to the House of Representatives by the Lt Governr, to lay before

them an estimate of what is wanting to the fort W^{m} and Mary, &c.; which was accordingly laid before them in writing, and upon file.

James Phillips having this day brought in his acc^{ts} for arrears of wages, due to him from the 15th of March, 1695–6, to the 17th of May, 1701, being 5 years, 2 months and 2 days, at 26^{lbs} per annum, and [P. 85.] there appearing to be 6^{lb}: 9^{s}: 02^{d} due to the said Phillipps, more than the Capt. of the fort hath rece^{d} for that time,

Ordered, that the said 6^{lb}: 9^{s}: 02^{d} be paid out of the Treasury of this Province, and the Secretary make out an order accordingly.

Mr. Nathl Hill brought up to this Board a Bill for the continuing several rates and duties of custom, excise, impost and powder money, or Tonnage of Shipping, was read at this Board.

Adj^{d} till to morrow morning, 9 o'clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Thursday, the 14th May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinks, Wm Vaughan, } Esqrs. John Gerrish, Richard Waldron, } Esqrs.

Capt. John Gerrish, being sent down by the Lt Govern^{r} to the House of Representatives to require their appearance at the Council Chamber, and they appearing accordingly, the Lt Govern^{r} was pleased to adjourn the Assembly to Thursday, the 28th curr^{t},

And the Council till tomorrow, 9 o'clock in the morning.

[P. 86.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t}, on Thursday, the 28th of May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nath. Fryer, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

The Bill for continuing several rates and duties of Customs, Excise, Impost and powder money, or Tonnage of Shipping, was read a second time at this Board.

Adj^{d} till tomorrow morning, 9 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adj^{t}, on Friday, the 29th of May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

Nathl Fryer, Peter Coffin, } Esqrs. Robert Elliott, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

A vote was sent up from the House of Representatives by John Tuck, one of the members of said House, in hæc verba:

Voted, that Major Wm Vaughan be supplied with twenty pounds out of the Publick Treasury, for his passage and accommodation in going for England, as Agent for the Province.

Past by the Lt Govern^{r} and Council.

Cha. Story, Secretary.

Past by the Assembly,

Henry Dow, Clerk *pro tempore.*

[P. 87.] Pursuant to an order of Council of the 3^{d} of December, 1701, which was directed to several persons therein

them an estimate of what is wanting to the fort W^{m} and Mary, &c.; which was accordingly laid before them in writing, and upon file.

James Phillips having this day brought in his acc^{ts} for arrears of wages, due to him from the 15th of March, 1695–6, to the 17th of May, 1701, being 5 years, 2 months and 2 days, at 26^{lbs} per annum, and [P. 85.] there appearing to be 6^{lb}: 9^{s}: 02^{d} due to the said Phillipps, more than the Capt. of the fort hath rece^{d} for that time,

Ordered, that the said 6^{lb}: 9^{s}: 02^{d} be paid out of the Treasury of this Province, and the Secretary make out an order accordingly.

Mr. Nathl Hill brought up to this Board a Bill for the continuing several rates and duties of custom, excise, impost and powder money, or Tonnage of Shipping, was read at this Board.

Adj^{d} till to morrow morning, 9 o'clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Thursday, the 14th May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinks, Wm Vaughan, } Esqrs. John Gerrish, Richard Waldron, } Esqrs.

Capt. John Gerrish, being sent down by the Lt Govern^{r} to the House of Representatives to require their appearance at the Council Chamber, and they appearing accordingly, the Lt Govern^{r} was pleased to adjourn the Assembly to Thursday, the 28th curr^{t},

And the Council till tomorrow, 9 o'clock in the morning.

[P. 86.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t}, on Thursday, the 28th of May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nath. Fryer, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

The Bill for continuing several rates and duties of Customs, Excise, Impost and powder money, or Tonnage of Shipping, was read a second time at this Board.

Adj^{d} till tomorrow morning, 9 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adj^{t}, on Friday, the 29th of May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

Nathl Fryer, Peter Coffin, } Esqrs. Robert Elliott, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

A vote was sent up from the House of Representatives by John Tuck, one of the members of said House, in hæc verba:

Voted, that Major Wm Vaughan be supplied with twenty pounds out of the Publick Treasury, for his passage and accommodation in going for England, as Agent for the Province.

Past by the Lt Govern^{r} and Council.

Cha. Story, Secretary.

Past by the Assembly,

Henry Dow, Clerk *pro tempore.*

[P. 87.] Pursuant to an order of Council of the 3^{d} of December, 1701, which was directed to several persons therein

mentioned, to run the lines between Town and Town in said Province, with such others as the select men of the several Towns should send with them, did this day make their return of the lines and Bounds between Town and Town; as upon file, which was allowed and approved of by the Council.

And ordered, that the persons who took such care and diligence in running said lines or Bounds be justly paid out of the publick Treasury of this Province, when the next rate shall be paid, each person to have 3s per diem.

A vote was sent up to this House that an address and memorial relating to the affairs of this Province, as upon file, be sent by the Lt Governr, Council and Representatives to his Maj'ty, as also a Commission for Major Wm Vaughan, to go Agent to England for said Province, to transact and manage all matters and affairs relating to the Quota of men and money for New York, and the complaints made against said Province, &c., which was read at this Board and approved of.

The Bill for continuing several rates and Duties of Custom, Excise, Impost and Powder money, or Tonnage of Shipping, being read a third time, and having past both Houses to be enacted, were consented to by the Lt Governr and by him signed accordingly.

Adjd till tomorrow morning, 9 of the clock.

[P. 88.] Province of New Hampshire.

At a Council and Genll Assembly held at Portsmo, by adjt, on Saturday, the 30th of May, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Governr,

John Hinkes, Nath. Fryer, } Esqrs. Peter Coffin, Wm Vaughan, } Esqrs.

Richard Waldron, Esq.

John Cross appearing at this Board and acquainting their

Hon^{rs} he hath arrears due to him as a soldier at the fort W^{m} and Mary, for service done some time before the 17th of May, 1701; and having examined his debenters, and what money hath been paid him before said 17th of May, 1701, find there is due to him from the Province, 6^{lbs} 9^{s} more than the Capt. of the fort rec'd for him; which, when paid, is in full of said Cross his wages to the said 17th of May, 1701, excepting 4^{lb}, which is supposed to be in Mr. Penhallow's hands.

Ordered, that the Treasurer pay the same out of the first money that shall be raised by the Province for payment of such debts, and that an order go from the Secretary accordingly.

Mr. Theophilus Dudly brought up a vote from the House of Representatives to this Board, in hæc Verba:

Voted, that Mr. Charles Story, for his late extraordinary service done the Province, be paid six pounds by the Treasurer out of the first income of the River.

Past by the Assembly.

HENRY DOW, Clerk *pro tempore.*

Read at this Board and ordered that the Treasurer pay the same accordingly.

[P. 89.] Mr. Theophilus Dudly brought up a vote, ditto:

Whereas, Mr. Leverett and Mr. Dudly were sent for by the Assembly to be helpful in the Province concerns, and they being satisfied ten pounds each, as a gratification for their pains by the Treasurer,

Voted, that the Treasurer be reïmbursed the said twenty pounds, out of the next assessment made in ye Province.

Past by the Assembly.

HENRY DOW, Clerk *pro tempore.*

Read at this Board and approved of.

Mr. Nathl Hill brought up a vote, ditto:

Voted, that Capt. Mark Hunkin be desired to accompany Major Wm Vaughan to Boston, and that the charge be

defrayed by the Public Treasurer, out of the next assessm^{t}.

Past by the Assembly.

HENRY DOW, Clerk *pro tempore.*

Read at this Board and approved of.

Theodore Atkinson, Esq., his debenter amo. to 5^{lbs} 1^{s} 00^{d}, being read at this Board was allowed and approved of.

Ordered to be paid out of the next Province Rate.

Patience Atkins' Debenter being read at this Board, Am^{o} to 5^{lbs}, was allowed and approved of.

Ordered that the Secretary make out an order to the Treasurer to pay the same.

Mr. Theophilus Dudly brought up a vote from the House of Representatives to this Board, in hæc verba:

Voted, that what ever Major Vaughan shall have occasion for as Agent, besides 300^{lbs} formerly granted to negotiate the affairs of this Province, before his Maj'ty in England, that an Act be past for raising of 200^{lbs} more, in case he should have occasion for it.

Read at this Board and approved of.

Past by the Assembly.

HENRY DOW, Clerk *pro tempore.*

[P. 90.] Mr. Charles Story, Secretary, was sent as a messuage to the House of Representatives, in order to call said House to have a Conference with this Board.

Mr. Theophilus Dudly brought up a vote from the House of Representatives, in hæc verba:

Whereas Major Wm Vaughan, Recorder of this Province, is going for England, and no person yet appointed for to receive said Records, and they being put into his hands by Act of General Assembly,

Voted, that Mr. Samuel Penhallow be Recorder, and to Act therein as the Law direct, and that the said Major Vaughan deliver all the Records in his custody to the said Saml Penhallow.

Past by the House of Representatives.

HENRY DOW, Clerk *pro tempore.*

Allowed and approved of by the Council.

Whereas Major Wm Vaughan, Recorder of this Province, is employed in a voyage for England on the Publick service of the Province,

Voted, that the said Vaughan do forthwith deliver unto Mr. Samuel Penhallow, all the Records of this Province now in his hands, both Books and files, and that the said Penhallow do execute the office of Recorder until the said Vaughan's arrival again into this Province; And then the said Saml Penhallow to redeliver the said Records into the hands of the said Wm Vaughan; and now to give the said Vaughan a receipt for the same accordingly.

Past by the Lt Governr and Council.

Charles Story, Secretary.

By the Assembly,

Theodore Attkinson, Clerk.

Mr. Charles Story, Secretary, was sent by this Board to the House of Representatives, to lay before them an estimate of the Provincial Debts, which accordingly was done. Copy of said estimate on file.

Adjd till Tuesday, the 30th of June next.

[P. 91.] Province of New Hampshire.

At a Council and Genll Assembly held at Portsmo on Tuesday, the 30th June, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Governr,
John Hinkes, Esq., Nath. Fryer, Esq.,
Peter Coffin, Esq.

There not being a full Council the Lt Governr adjd this Board till tomorrow morning, 9 of the clock.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} on Wednesday, the first day of July, 1702.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nath. Fryer, Peter Coffin, } Esqrs. Robert Ellott, Richard Waldron, } Esqrs.

An Information was sent up to this Board from the House of Representatives, in these words, viz:

Information being given by Saml Penhallow, Esq., Treasurer, to this House of Representatives, of several sorts of lumber in his own, and in several of the constables' hands, rec^{d} for the last province Rate, which is now such a Dead commodity that it will not fetch such price as was concluded they would: Our advice, therefore, to the said Samuel Penhallow is, that he use the best of his skill in disposing of what lumber is in his own and said constables' hands, to the best advantage and benefit of the Province; Rendering a just and true account of what shall be by him done on that account. Information upon file.

By order, HENRY DOW, Clerk pro tempore.

Read at the Council Board, allowed and approved of.

CHAS. STORY, Secretary.

The House of Representatives sent up the following account about the Indians, in these words, viz:

The Representatives being informed that many Indians, especially in the town of Portsm^{o}, have of late resorted thither, and take such measures in going to and fro, and viewing almost every House and place, and not only so but have been seen by the watch near midnight walking the way from the creek to the Bank, saying they walk to take the air: These and other of their actions all over the town, hath and doth much amuse the people (what the end may

be), do therefore in behalf of said town and all the Province, offer to your Hon^{rs} consideration these things, hoping that care may be taken about said Indians, for the safety of her Maj'ty's subjects in this Province, and that such orders may by your Hon^{rs} be given to the Commission Officers in the Province for those ends, as shall be by you thought most fit.

By order, Henry Dow, Clerk pro tempore.

Read at the Council Board, and ordered that care be taken accordingly.

Chas. Story, Secretary.

Vote sent up from ditto, viz:

Whereas his Excellency the Honble JOSEPH DUDLEY, is daily expected to take upon him the Government of this Province, and the Honble Wm Partridge being desired to entertain him at his house:

Voted, That the said Wm Partridge, Esq., be paid out of the publick Treasury, for what charge or expense he may be at in entertaining him.

Theodore Attkinson, Clerk.

Read at the Council Board, allowed and approved of.

Chas. Story, Secretary.

Adj^{d} till the first Tuesday in August next.

Laws of the Province of New-Hampshire, from 1692 to 1702.

PASSED UNDER THE ADMINISTRATION OF

Lieut.-Governor JOHN USHER,
Lieut.-Governor WILLIAM PARTRIDGE,
Governor SAMUEL ALLEN,
Governor THE EARLE OF BELLOMONT (1).

[NOTE BY THE EDITOR.]

Three several MS. copies of these Laws are found in the office of the Secretary of State, but somewhat differently arranged. The copy which follows, by the Editor, is for the most part a transcript of the oldest, or what appears to be the original copy, but revised and arranged agreeably to a copy made by the late John Farmer, Esq., and certified by Hon. Thomas Treadwell, former Secretary of State. These Laws, with the exception of a few which will be duly noted, have never before been printed. For the sake of reference they are numbered.

Province of New Hampshire.

Att a Generall Assembly held at Portsmouth, in ye Province aforesaide, on ye first Tuesday in October, 1692.

No. 1.

An Act for ye Suporte of ye Government, Repairing fortifications, strengthing the frontiers, &c.

Wee their Majesties moste Loyall & dutifull subjects, Representatives of this their Majesties Province, convened in general assembly, being sensible of the greate charge & expenses wch have allready arrisen & must nessesarily bee dayly growing and Increasing, in defending & securing of

(1) The four last of the following Laws were passed subsequent to the death of Gov. Bellomont, under the administration of Lt. Gov. Partridge.

their Majesties' subjects & interest, and in prosecuting ye war against there French & Indian enemies, have cheerfully & unanimously given & granted, & doe hereby give & grante unto there Most Excellent Maj^ties their heres & successors, to ye end & Intent afores^d, & for ye defraying of other nesseary & contingent charges in & aboute ye supporte of ye Government of this theire Majesties' Province, those severall assessments following, & humbly beeseech there Maj^ties to except of ye same:

Bee it therefore Enacted & ordained, by the Authority of ye same, That a rate be forthwith made on all p'sons & Estates boath real & p'sonall, (there Majesties' Counsill, settled ministers & schoolmasters only excepted) in equall proportion as hereafter exprest: That ye Treasurer for ye time being, doe forthwith send forth his warrants to ye Constables & Selectmen of every Towne within ye saide province, requiring the Constables to call together the Inhabitants of the Townes, who being soe assembled, shall choose some one of saide Inhabitants to bee a Commissioner for the Towne, who together wth ye selectmen shall make a list of all ye male p'sons in ye same town, from sixtene years old & upwards, & a trew estimation of all reall & p'sonal Estates, being or reputed to bee the state of all & every ye p'sons in the saide town, or any peculiar in ye province or otherwise, under their custody or management, to ye just valuation, & to what p'son ye same doth belong, whether in their one towne or elsewhere, so near as they cane by all lawful means which they may use, to saye of houses or Lands of all sorts, as well broken up as other, except such as doe or shall lye Common, Mills, Ships, & all sorts of small vessels, merchandable goods, cranes, wharfs, & all sorts of cattle & other knowen Estates whatsoever, att sea or on shoare; all which p'sons & estates are by ye selectmen & Commissioners to bee assessed & Rated as hereafter Exprest, viz: Every p'son afores^d (except before excepted), all others, every male at one shilling six pence pr head; and for all such p'sons as by ye advantage of there trades and arts are more inabled to help bare the publique charge then common Labourers & workmen are, as Butchers, Bakers, Brewers, Vitulars, Smiths, Carpenters, Taylers, Shoomakers, Joyners, Barbers, Millers & Masons, wth all other mannual p'sons & artificers, are to be rated for

Returns and gaines proportionably unto other men for the produce of theire Estates, and for all such servants and children as take not wages there masters or parents shall paye for them; But such as take wages shall paye for themselves, & all & every p'son aforesaide (Except before excepted) shall bee assessed & rated at three pence in ye pound for every twenty shillings, boath p'sons & Estates that shall be found, according to ye rates of cattle hereafter mentioned; ye Estate of all merchants, shopkepers and factors, shall be assessed by the Rule of common Estimation, according to ye discression of ye assesors, having regard to there stock, being present to vew or not, in whose hand soever it bee; & if any such merchante find themselves over vallued & can make it appeare to ye assesors they are to be eased by them; if not, by ye next Courte of Quarter Sessions held in the Province; & houses & lands of all sorts (except before excepted) shall be taxed at an equall and Indiferent vallue according to there worth, in the place wherein they lye; and all cattle to bee vallued, every Cow at fower years old and upwards, at fourty shillings, heffers & steers of three years old, at thirty shillings, and between one and two years old at twenty shillings; every ox at fower years old & upwards, at three pounds; every horse and mare of three yeares old and upwards at three pound, and between two and three years old at forty-five shillings; of one years old at sixtene shillings; every ewe sheepe above one years old at five shillings; every whether sheep above a year old, six shillings; every swine above a yeare old, at twelve shillings; all Cattle of all sorts under a year old are hereby exemted: The foregoing Act to stand in force for this particular Rate for this yeare, & no longer, ye s^d rate to be forthwith collected & transmitted to ye Treasurer of ye Province, & to be p^d in ye species d., ye prises following, viz: Merchantable pine boards at thirty-six shillings pr thousand; Red Oak hhd. staves att twenty shillings pr thousand; White oak pipe staves at three pound pr thousand; Beefe at two pence pr pound; porke att three pence pr lb.; Indian corne at three shillings pr bushell; wheate at five shillings pr bushell; malte at three shillings pr bushell; good sound Pease at fower shillings pr bushel; fish and mackrill at price currante; and whosoever will paye their rates in money shall bee abated

one third parte, & ye Constable of ye severall Towns in ye Province are to collect all the above said Rates and transmit them to ye treasurer, and the charges of the Constable in sending in the rates to the Treasurer to be allowed on the Publique.

JOHN USHER, Left. Govern^r,
RICHARD MARTAYNE, Speaker.

HENRY PENNY, Depity Secretary.

No. 2.

An Act concerning ye Prudentiall affairs of ye Towns in said Province.

Bee it Enacted by ye Leftenant Governour & Counsill, together with the Generall Assembly, & it is hereby enacted by ye authority of ye same: That it shall & maye bee lawfull for ye selectmen of each Towne wth in this Province, or the Major parte of them, wth ye approbation of one Justice of ye Peace, to convene ye freeholders of these Towns together, to consider, debate & conclude of such things as are neassary for ye prudentiall affairs of there town, as often as they shall finde occation; & they or the major parte of them soe mett, to make such orders as they shall finde necessary for ye prudentiall concerns of there towns provided the penalty of any default made of such orders shall not exceed ye sume of twenty shillings; & once in ye yeare to meet togeather to make choice of selectmen not exceeding ye number of seaven, to manage ye prudentiall affairs of there towns; wch s^d Selectmen are to see that there towns are provided wth a stock of powder, wch shall bee one barrel to every fifty souldiers, and shot proportionally, with flints: And it is further enacted by ye authority aforesaide, that ye freeholders soe mett shall make choice of meet p'sons for constables, & if ye p'son chosen shall refuse to serve, hee shall paye a fine ye sum of five pounds, one half to ye use of ye towne, & ye freeholders shall make choyce of another; as allso to make choyce of overseers of ye poor, Packers of porke, beefe and Mackrill, sealers of Leather, Cullors of Staves; to take care they be provided wth a schoolmaster not vitious in conversation: and it is further Enacted by ye authority afores^d, y^t ye selectmen of each towne within this Province or ye major parte of them, wth a Justice of ye Peace, are Impowered to make assessments on ye visible Estates of ye Inhabitants, & of

p'sons according to valuation of there incomes, to defraye ye nesseary charges arising wth in there towns, & to give warrante unto ye Constable for collecting ye same & paying it according to order & warrant given by ye Selectmen wth one Justice of ye Peace, & s^d Selectmen are yearly to give an account of all money soe raysed by them to one of ye Justices of ye Peace wth three men chosen by ye freeholders as a Comitte for y^t end, that there may be no damage to any man.

JOHN USHER, Left. Govern^r,
RICHARD MARTIN, Speaker.

HENRY PENY, Depity Sec^y.

No. 3.

An Act for Defraying the Publick Charge of the Province.

We their Majes^ts most Loyall and dutyfull Subjects, the Representatives of their Maj^ties Province Convened in generall Assembly,

being sensible of the great charge & expences which have allready arisen and must necessarily be dayly growing and Increasing in defending and Securing Their Majes^ts Subjects and Interest and in prosecuting of the warr against their french and Indian Enemies, have chearfully and unanimously Given and Granted, and doe hereby Give and Grant unto their most Excellent Majes^ts their heirs and Successors, to the End and Intent aforesaid, and for defraying of other nesesary and contingent charges in and about the Support of the Government of their Majes^ts province, the severall duties, Imposts and Excise on the Wines, Liquors, Goods hereafter mentioned, and Humbly beseach their Majes^ts to accept the same.

And y^t maye be Enacted, and be it Enacted by the Lieut. Governor, Council, and Representatives, Convened in Generall Assembly,

And it is hereby Enacted and Ordained by the Authority of the same, that from and after the 29th day of this Inst. month October, in the year of our Lord 1692, there shall be paid by the Inspecter for all Wines and Liquors and goods hereafter specified, that shall be imported into this Province over the Sea, the Rates hereafter mentioned, to the Treasurer or other Officer appointed to Receive the same; that is to say, for every Butt or Pipe of fial Wine or other wines

of the Western Island, the sum of ten shillings money; every Pipe of Madera wine thirteen shillings money; every Butt or Pipe of Sherry, Sack, Mallego, Cannary, Mascadalls, Tent and Allegant, Twenty shillings; and for every hou^sd of Brandy, Rum, or other strong distilled Liquors, Ten shillings, and so proportionally for greater or Lesser Quantities of each particular Liquors: and the better to prevent fraud,

Be it further enacted, by the authority aforesaid, that if any Master, Mate or purser of any ships or vessell whatsoever, or any Merchant, factor or other person whatever, shall brake bulk or Land any Liquors aforesaid before he or they have made due entry thereof, both of the Quantities and Qualitie of such Wines or other Liquors, upon Oath if required, and pay such Dutties as ar Required by this Act to the Treasurer or such other person as shall be appointed to Collect and Receive the Customs and duty aforesaid, then and in such case all such goods as shall be landed without entry and Custome made and paid as aforesaid shall be forfeitted on the Testamony of two or more Credible Witnesses as aforesaid.

And it is further enacted by the Authority aforesaid, that all such Wines and Liquors that at any time or times hereafter shall be Imported in any ship or vessell from any port or place whatsoever out of the Province, shall be Landed and put on shore upon such Keyes and Wharfes and plases as shall be appointed, as aforesaid, and at or in no other Port, place or time whatsoever, without a permit from the Treasurer or Officer appointed, under the penalty of the forfeiture of all such wines and Liquors as shall be Landed and Delivered from on board any ship or vessell Contrary here unto,—one third to their Majes^ts, one third to the Governor or Lieut. Governor, the other third part to them or him that shall sue or Informe for the same as abovesaid.

And be it further Enacted by the Authority aforesaid, that for all goods, wares and merchandizes whatsoever, that shall be Imported into this Province over the Seas after the said 29th of October, 1692, (fish, sheep, wove cotton, wool and salt, and all sorts of provision only excepted) there shall be paid by the Importer or him or them to whom consigned, the several Imposts and duties following, — that is to say, for every twenty shillings value shall be paid one penny in money, the valluation there of to be as followeth:

that is to say, for every hundred pounds value at the place from whence such goods shall come to be accounted here at one hundred and Ten pounds, and so in proportion for Greater or Lesser Quantities; and for every hog^{ahd} of Molasses four pence, and for every hog^{ahd} of sugar eight pence; and to the end the said duties last mentioned be duly paid and Collected,—

Be it further enacted by the Authority aforesaid, that such goods and Merchandize Imported as aforesaid into this province, shall by the master or purser of said ship or vessel as they are Imported in, or the Merchant, factors, or other person or persons Importers, being owners or having any of the Goods, Wares or Merchandizes Consigned to them, that by this Act are Liable to pay Impost or duty, such person or persons shall by themselves or Order, cause the said goods to be entered with and give the true and just value thereof, and true and perfect Invoyce unto the Treasurer or other Officer appointed for that purpose, and pay their duty, or secure to be paid, the same as by this Act is Provided, before such goods, Wares or Merchandize be landed or put into any boat or vessell in order to be Landed, on the forfeiture of Twenty Shillings Per Ton, according to the Burthen of the ship or vessell such Goods or Merchandizes are Imported in,—one Third to their Majes^{ts}, one third part to the Governor or Commander in Chiefe for the time being, and one third part to him or them that shall sue or inform for the same; and the said Treasurer or Other Officer to be appointed as aforesaid are hereby Required Carefully and truly to Enter all such goods, Wares and Merchandizes with their several markes, Caske, Packes, fardells, Trusses, Chests, Truncks and all other things howsoever called or distinguished, with the name of the persons who owneth or to whome the Goods are sent or consigned; and the Treasurer or other Officers are hereby Required to Demand and Receive the severall Duties, Imposts, in this Act before mentioned, and in case of the Deniall or delay of payment thereof as aforesaid, the said Treasurer or other Officers are hereby Impowered to levy the same by distress and sale of the Goods and Merchandize not paying the Duties as aforesaid, at the Rates and price in the Invoyce thereof mentioned and to have and Receive Twelve pence in the pound over and above said duties and Imposts, for his or their time of labor therein.

And it is Likewise further enacted and ordained by the Authority aforesaid, that every ship or Vessell above Thirty Tons coming into any port or part of this province from over the Sea to Trade or Traffick, all or the Major part of the Owners whereof are not Actually Inhabitants of this Province, shall, every voyage they make, pay eighteen pence in money per Ton, or one pound of powder for the supply of their Majest^s forts and fortifications within this province, to be Rec^d by the Treasurer or such other person or persons as shall be appointed to Receive the same: and it is farther Enacted by the Authority aforesaid, that every Merchant or other person Importing any wines or other Liquors into this province shall be allowed Twelve pr. cent for Leakage, provided the said wines or other Liquors have not been filled up on board, and that every hog^shd of wine or Liquors that shall not have full seven Inches Left therein, and every Butt or Pipe of wine or other Liquors that shall not have nine inches Left therein, shall be accounted for outs, and the Merchants or Importers to pay no Impost or Duty for the same, any thing here in contained to the contrary notwithstanding.

And it is further Enacted and Declared by the Authority aforesaid, that if all or any of the wines or Liquors as aforesaid be Landed and afterward be Exported out of this province within three months after the Importation thereof, there shall be Rep^d & discounted by the Treasurer or other Officer appointed to Receive the said Impost, unto the Importers or their Assignees, Two Third parts of what they paid or secured to be paid for so much as he or they shall Export;—he or they making Oath to the said Officer or Officers, who are here by Impowered to Administer the same, that it is the same wine or Liquors for which the whole duties hath been paid or secured to be paid, and that it is Exported within the time Limitted as aforesaid by this Act, Excepting only such wines & Liquors as shall be Transported Into the Province of Maine out of this province, for which no such Impost shall be drawne back or Received as aforesaid, any thing here in contained to the Contrary thereof in any wise notwithstanding.

And it is further hereby likewise Enacted and Ordained by the Authority aforesaid, that there shall be given and granted to their said Majestys, their heirs & successors, for

the use aforesaid, Excise on all Wines and Brandy, Rum & other distilled Liquors, Cyder, ale & Bear, which shall be sould by Retaile in any Towne or place within this province by those that Retaile, the same in manner and forme as is here after expressed & Declared: That is to say, for every Butt or pipe of wine fifty shillings; for every hogs[hd] of Cyder, Ale or Bear, Two shillings and six pence; all curr[t] money of this Province, and after the Rate for any Greater or smaller Quantities: And for the due & Orderly collecting and Receiving of excise aforesaid,

It is further enacted by the Authority aforesaid that all Retaillers of Rum, Brandy, Sider, Bear, Ale, within this Province, shall upon their purchase or Resale of all or any of the Liquors Before Expressed, make entry thereof with the Treasurer or other Officer appointed to Collect or Receive the same, and pay the duties of excise aforesaid under penalty of forfeiture of all such Liquors as shall be found in any Retailler's house, not being duly entered and the excise thereof paid as aforesaid; Provided also, it shall and may be Lawfull to and for the Treasurer or such other Officer appointed to collect and Receive the said excise, to agree with any Retaillers for his excise for one whole yeare in one entire sum to be paid Quarterly or otherwise, as he or they can agree for, without making any entrie as aforesaid, Provided always: —

And be it further Enacted by the Authority aforesaid, that no person or persons who soever shall sell any wines, Brandy, Rum, distilled water, Cyder, Bear, ale, or other Liquors by Retaille without License first had and obtained from one or more Justices of the Peace, which shall be held good and vallid till the next quarterly session within this Province; neither shall it or may it be Lawfull for any persons whatsoever to sell less Quantities of any strong water than two gallons, or of wine than one Quarter-Caske, at one time without first obtaining a License for the same under the penalty of five pounds for each default thereof, convicted by the oath of two or more substantiall wittnesses, all which penalties and forfeitures shall be one halfe thereof to their Majest[s], their heirs and successors, for the support of the government, and the other halfe to informer who shall sue for the same, and shall be Recovered by Bill, plaint or Information in any Court of Record within this province.

And it is hereby Enacted and declared by the Authority aforesaid, that this present Act, entitled an Act for the Establishing a Reveuue for the defraying of the Public charge of the Province, shall Remain and continue in force for the terme of one whole year and no Longer; any thing herein Before contained to the contrary thereof in any wise notwithstanding.

JOHN USHER, Lieut. Govern^r,
RICHARD MARTIN, Speak^r.

Henry Penny, Sec^r.

No. 4.

An Acte for the Due Regulation of Waites and measures.

To ye end y^t waites and measures maye be one and ye same throughoute this province, be it enacted by ye Lieut. Governor & Counsill, together with ye General Assembly, & it is hereby enacted and ordained by ye authority of the same y^t ye treasurer of this province shall provide one set of waites & measures as are according to the approved Winchester measure, allowed in England in ye Exchequor, wch shall be ye publike allowed standard throughoute this province for ye proving and sealing all waites & measures thereby; & ye Constables of every town wth in this province not already supplied, shall wth in three months next comming provide, upon ye towne charge, one bushell, one half bushell, one peck, one halfe peck, one ale quarte, one wine pint & halfe pointe, one ell yard, one sett of brass waites to foure pounds after sixteene Ounses to ye pound, wth fitt scales and steale beame tried & proved by the aforesaid standard & sealed by ye treasurer or his Deputy in his presents, wch shall be kept & used only for standards in ye severall townes, who is hereby authorized to doe ye same, for wch he shall Res've from ye constable of eatch towne two pence for every weight & measure soe tryed, proved and sealed; & ye Constable of every towne shall commit these weights & measures unto the Custody of the select men of their towne for the time being, who wth the Constable are hereby Injoyned to choise one able man for sealers of all waites and measures for there one [own] towne, from time to time, untill another be chosen who shall be presented unto the next Courte or some Justice of the pease, there to be sworne to ye faithfull discharge of his dewty, and shall have power to send forth his warrants by ye Constables to

all the Inhabitants of sutch towne to bring in all such waites & measures as they make any use of, in ye month of Aprill, frome yeare to yeare, at such time and places as he shall appointe, and make returne to the sealer in writing, of all persons so summoned, y^t then and there all sutch waites and measures maye be proved & sealed wth ye towne seale, wch is likewise to be provided by the Constable, towne's charge, who shall have for every waite & measure soe sealed one penny from the owners thereof, at ye first sealing, & all sutch waites & measures as cannot be brought to there head standard hee shall deface & distroye, and after the first sealing shall have nothing for soe long as they continue juste with the Standard:

And it is enacted that if any Constable, Selectmen or Sealer Doe not Dare execute this Law, soe far as to each and every of theme appertaines, they and each of them shall forfit for every neglecte the space of one month, ye some of forty shills., ye one halfe to ye Informer, ye other halfe to ye Pore of ye towne where such Defaulte is found; and every person neglecting to bring in there waites and measures at the time and place appoynted, being Duly warned thereto, shall likewise forfeit three shills. four pence, ye one halfe thereof to use of the pore aforesaid, the other halfe to ye sealer; and the penalties herein mentioned to be Levied by distress by warrants from any Justice of the peace.

And it is further enacted that every seaporte Towne w^thin this province, the Constable or Constables are to provide Liquesie upon the towne charge, one hundred weight made of iron to be tryed, proved & sealed as aforesaid, & one halfe hundred & one quarter of one hundred, & one fourteen Pound weight made of Iron, to be proved & sealed as aforesaid, & to be kept as Standards in ye s^d severall Townes to be used as before for other waites & measures as is directed.

And it is further enacted that all stillyards y^t are or shall be approved of by the Standard shall be allowed of in any or all ye townes in saide province & in the Liberty of boath byer and seller to waigh by which they please.

JOHN USHER, Leftinante Governour,
RICHARD MARTIN, Speaker

Henry Penny, Deputy Secretary.

No. 5.

An Act for Allowance made to the Representatives.

PROVINCE SEAL. Whereas, the several Representatives of the Assembly cannot officiate and discharge that Hono[rble] and Great Truste Reposed in them without being at great charges and expence;

Be it Enacted by the Lieut. Governor, Council and Representatives Convened in Generall Assembly,

And it is hereby Enacted and ordained by the authority of the same, that the allowance to Each Representatives of the people shall be Three Shillings p. Diem, commenced from the Coming out untill their Returne home, allowing one day for coming out and one day for their Returne home, to be paid out of the Rates made in the Severall Townes in the province for defraying Towne charges.

JOHN USHER, Lieut. Gov[r],
RICHARD MARTYN, Speak.

Henry Penny, Dep[t] Sec[r].

Past by the Assembly.

Elias Stileman, p. ord[r].

No. 6.

An Act against Shipping of Horses without Entring.

Be it Enacted, by the Lieut. Governor, Councill and Representatives convened in Generall Assembly,

And it is hereby Enacted and ordained by the Authority of the same, That from and after the Twenty ninth of this Inst. October, no mast[r] or Command[r] of any Ships or vessell shall Receive on Board his Ship or vessell in this province of New Hampshire, any horse, Gilding or Maire but such as shall be entred into a Booke with the Couller, pertickular Markes, & age as near as may be knowne, and person from whome such was Last bought and proofe by wittness he was the true owner thereof, to be kept in a booke by an officer appointed thereunto, which officer is hereby authorized to view all such as shall be shipt; and for every horse, maire or Gilding so entered, there shall be paid to the said officer by the Owner of said horse, the sum of six pence; Each and every Commander or master of any vessell who shall take on Board any other horse, maire or Gilding, except such as he shall Receive a noat under the hand of the said officer so to be Entered as

aforesaid, shall forfitt the sum of four pounds, to be disposed one halfe to the Informer the other halfe to their Majest^e for the use of the province.

JOHN USHER, Lieut. Governor,
RICHARD MARTYN, Speaker.

No. 7.

An Acte againste Law Sutes above twenty pounds.

Be it enacted, &c.,* whereas their Majesties' subjects Inhabiting this Province have for a long time, wth the expence of lives & Estates stood upon there own defence against Majestyes' french & Indian enemies to there greate Impoverishment and almost utter undoeing, & have no prospect for ye future of defending there Majesties' Interest here wth oute greatest expence & hazard, soe y^t w^thout outemost incoragment of being preserved from disturbans in there Rights & prosperities will be induced at laste to quitt all to there Majestyes' enemies; for prevention whereof,

Be it enacted, that no Royall action or writ of ejectment for ye posesion or title of any Lands, nor any personal action or sute where the value sewed for exceed the som of twenty pounds, be prosecuted by any person or persons in any Courte w^thin this province for the time & space of two yeares following from & after ye twenty ninth day of October, 1692, and soe long after as this war shall Continue; but that this act shall be a bar thereto, & all persons shall & are hereby preserved & continued in there Rights, prosperities & possessions, and hooesoever shall trespas upon the same shall paye the damage accuring thereby.

JOHN USHER, Leftinante Governour,
RICHARD MARTIN, Speaker.

Henery Penny, Deputy Secretary.

No. 8.

An Act for the regulating of Cattle, Cornfields and Fences.

Bee it enacted, &c., that in all common fields under improvement, every party interested shall from time to time make good his part of fence, and the owner or owners of the Major parte of such fields shall order and limit the proportion of Cattle that shall be put to feed thereon, an-

* The usual formula, "by the Lieut. Governor, Council," &c., is hereafter omitted.

nually, the time when, and manner of Improvement thereof, which is to be observed by all persons Interrested therein, on paine to answer all damage that shall come thereby; and where land have formerly been Improved in Common, any one owner of such lands be minded to improve his parte in several, if there be no agreement binding to the contrary, the owner of the land next adjoining him shall bare the one halfe of the Charge of the fence againste him who shall improve in severall; but where lands lye in Common unfenced, if an owner shall improve his parte by fencing in severall, and the other shall not, hee who shall so improve shall secure his lands against other men's Cattle, and shall not Compell him that joyneth upon him to make any fence with him, except he also shall improve in severall as the other doth; & where one man shall Improve before his Neihbor & so make the whole fence, if, after, his s^d^ neihbor shall also Improve, he shall then satisfye for halfe the other's fence against him, according to ye present valeu & shall maintaine ye Same, & if ye first Improver shall after lay open his s^d^ field, then the s^d^ neihbor shall enjoye his s^d^ halfe fence to his own use, purchased as afores^d^, & shall also have liberty to bye the other halfe fence, paying according to present valuation to be made by two men indifferently chosen by either party: And it is further enacted, by the authority afores^d^, that the Selectmen or Towne men shall, from year to year, appoint two or more in each Towne (if need Required), and to take all due notice of the reall defects & Insufficiency thereof, who shall forth with acquaint the own^rs^ thereof with the same; and if the said owners do not within six days time, or otherwise as the viewers shall appoint, sufficiently Repaire their said defective fence, then the said viewers shall forthwith Repaire or Renew them, and shall have double recompence for all their cost, labour and care, to be paid by the owner of such insufficient fence or fences; and shall, by warrant from any Justice of the peace levy the same, either upon the Corne or other goods of the delinquent; and the said fence viewers shall twice every year view fences, and such as they returne sufficient shall be accounted good for three months after, unless proofe be made that it is Impaired; and such fence as is accounted sufficient against other Cattle shall also be accounted good against sheep and swine; and the owners to be Liable to satisfie damage done by

them: And it is further enacted, That all unruly horses or other unruly Cattle, having been so judged by the select-men, shall be liable to pay double damage. *It is also enacted*, by the authority aforesaid, That there be one sufficient Pound or more made and maintained in every Towne within this Province, for the Impounding Swine or Cattle found damage feasant.

JOHN USHER, Leut. Govern^{r},
RICHARD MARTYN, Speaker.

HENRY PENNY, Dep. Sec^{y}.

No. 9.

An Act for Settling the Militia.

Whereas the present State and Condition of the Province doth of necessity Require that the Inhabitants thereof should be well Armed and Trained up in art Military, as well for the Honour and Service of their most excellent Majestys, as for the preservation of their owne Lives and fortunes:

Be it therefore Enacted, &c., That no male person whatsoever, from the age of sixteen year old and upward, Remaine unlisted by themselves or Masters, Mistriss or Imployers under the Captain of their Respective places of their abode, the space of one Callender month after their arrivall on coming to reside or sojourn in any place within this province, on penalty of twenty shillings, and so for every month such person or persons shall Remain unlisted; and that every soldier shall be provided with a well fixed gun or fussee, Sword or Hatchett, Snapsack, Courtouchbox, horne, charger and flints, wth six charges of powder, and so shall appear when and where appointed, upon penalty of five shillings for his default in not appearing, and three shillings for want of any of the aforesaid Gun, armes or ammunition above mentioned, so as the whole penalty at one time exceed not for one person ten shillings; and that every souldier shall have at his habitation and aboade one pound of good powder and Twenty sizable Bullets, on penalty of ten shillings for each default, and that each person shall bring the same into the field when Commanded on the like penalty of ten shillings, so as the whole penalty for one person at one time exceed not fifteen shillings.

And it is further enacted by the Authority aforesaid, that

it shall and may be Lawfull for any person or persons that by Reason of urgent Occasion or other Emergencie cannot appear upon the Guard or watches, to put a well armed man in their Roome, who if approved of by the Captaine of the Guard shall excuse his or their absence; and all persons Listed as aforesaid under their Respective Captaine in the several places of their abode, shall redeyly attend and serve on watches and wards when appointed, under the penalty of three shillings for each default; and In case any person be not able to provide himself armes and ammunition as aforesaid, through poverty, if he be single he shall be put to service by any Justice of the Peace within this Province, to procure him estate to purchase such armes and ammunition as aforesaid, and that his or their master or mistriss shall find and provide armes and ammunition during his service.

And it is also further Enacted by the authority aforesaid, that no person whatsoever presume to fire any small arms after eight of the clock at night, unless in case of alarm, Insurrection or other Lawfull occasion, and in either of ye said cases Three musketts or small armes distinkly fired, or where Great Guns are the firing of one great Gun & Two musketts or small armes distinkly, & Beat of drum, shall be taken for an alarm; & that every person that shall neglect his duty in taking and giving (as aforesaid) an alarm by firing, as aforesaid, shall be fined forty shillings, and in case of such an alarm every soldier is imediately to repaire armed to his Coullers or Court of Guard upon the penalty of five pounds.

And it is hereby likewise further enacted by the authority aforesaid, that the commission officers in each Respective Towne within this province shall be a committee of Militia for ordering the military affairs of the Towne, for the settlement of Gerrisons and appointing the several Inhabitants there to their Respective places and Garrisons, and Ordering, watching, warding and scouting, prohibiting firing of guns by day as they shall see occasion; and the several Inhabitants are hereby Required to yield due obedience to the orders of the said Committee on penalty of fine not exceeding Twenty shillings, or Riding the wooden horse, or other Millitary Corporall punishment to be inflicted upon the offenders at the discreasion of the Committee.

And it is further enacted and declared by the authority

aforesaid, that all fines & forfeitures mentioned in this act and not otherwise to be disposed of shall be Leveyed by distress and sale of the offender's goods, by the Captain's Warrant for that purpose, to be granted to the Clarke of such company, to be Improved and Laid out for the use of the Company to defray the publick charge thereof.

And it is further Enacted by the authority aforesaid, that all Captaines and other Commission officers are hereby required to yield reddey and due obedience to all orders and warrants they shall from time to time Receive from the Governor, Lieut. Governor or Commander in Chiefe for the time being, or Major of the Regiment, on penalty of five pounds for every neglect or default, to be Leveyed by distress and sale of the offender's Goods by warrants from the Major to the Sheriff of the province, one half thereof to be to the use of o^{r} Sover^{n} Lord & Lady King William & Queen Mary, their heirs and Successors, and the other half to him or them that shall inform for the same.

And it is further Enacted and ordained by the Authority aforesaid, that no person so Listed as aforesaid during this present warr shall depart thence without a discharge from the committee of the Town first had where such a person is an Inhabitant of and obtained, or in case of their deniall, from the Governor or Commander in Chief for the time being, on penalty of Twenty pounds to be Leveyed by distress & sale of the offender's Goods by warrant from any two Justices of peace within this province to the sherriff, who shall be Impowered to grant forth such Warrants upon Complaint to them made for that purpose, and to administer an oath if occasion Require, which said fine of Twenty pounds, when Leveyed as aforesaid, shall be Improved to the use of the Towne from whom such person shall so departe as aforesaid, at the discretion of the Justice.

And it is further Enacted & declared by the authority aforesaid, that all drummers now in service, and that hereafter shall by the several Captains be put into that service during the Capts. pleasure, shall be allowed and Receive Twenty shillings pr. Annum if they finde their own drums, or tenn shillings pr. annum if the Capts. find their drums; and that no person y^{t} now is Listed in any company, or hereafter shall be so Listed and appointed to that service, shall Refuse the same upon penalty of Twenty shillings to be Leveyed by distress and sale of the offender's Goods by

the Captaine of such Company, to be disposed of for defraying the publick charge thereof; and in case such Capt. shall find a drum for the use of the company he shall deduct the price thereof out of the fines.

And it is hereby Enacted and ordained by the authority aforesaid, that all and every person & persons that hereafter shall be detached or Imprest out of any of the Companyes with in this province for their majest^{s} service by their superior officer, or by warrant from the Governor or Commander in Chief for the time being, or the Maj. of the Regiment, shall appear and attend such service at the time and place to be appointed on penalty of four pounds, to be Leveyed as aforesaid and disposed of to the use and Incouragement of such as shall goe in the service above mentioned; and if the refusal of such person or persons offending be accompanied with contempt, such person or persons shall be Punished with death or some other greivous punishment, as the matter may Require, at the discretion of a Court martiall; and for ye better releife and defence of any of the Townes & Garrisons with in this province that shall be attacked by the enemie,

It is hereby Enacted by the authority aforesaid, that each Capt. within this Province are hereby authorized and commanded to List or detach so many of his men not exceeding one third of his company—Provided always that there be not Less than five men Left in each Garrison—which men so Listed or detached shall be reddey upon the first advise of the enemie's attacke of any Towne or Garrison, by order of the chief officer of the Towne, forth with to march, under such Conduct the said chief officer of the Towne shall appoint, to the Reliefe of any Towne or Garrison soe attacked, and not to waite any further orders of any Superior Authority for their march, Least the time of doeing service should be elapsed; and in case any person or persons so listed or detached as aforesaid shall refuse or neglect, upon notice given, such March or attenddance upon such service, shall pay a fine not exceeding forty shillings, to be disposed of as Last above mentioned, or be punished with such corporal millitary punishment, at the discretion of the Capt. or chief officer of the towne: and for prevention of advantages or encouragement to ye enemie during this present Warr,

It is hereby enacted and ordained by the authority aforesaid, that no Indian corn be stored or left at any Remote ungarrisoned houses or places, but all brought within command of some garrison or garrisons, on penalty of paying five shillings a day by the owner of the said corn, for every day such corn shall so remain stored or left at any remote ungarrisoned house or place, after the notice thereof given to such owners by one of the Committee of Militia of the Towne whereto such owners doth or may be long, such penalty to be Leveyed by distress & sale of the offender's goods, by warrant from the committee of millitia to be disposed of by them for the use of the Garrison such offenders shall belong unto.

And be it further enacted by the authority aforesaid, that in case of the enemie's attack of o^r neighbours In the county of Yorke in the province of the Massachusetts Bay, It shall and may be in the power of the present Lieut. Governer, with the advise and consent of the Councill, to Raise and detach men in the most Convenient part of this province, and to order their March unto the said county of Yorke for the Reliefe and assistance of their Majesty's subjects there: Provided always,

And it is hereby further enacted and declared by the authority aforesaid, that nothing in this act contained shall be expounded, construed or understood to deminish, alter or abridge the power of the Governor, Lieut. Governor or Commander in Chiefe for the time being, but that in all things and upon all occasions he or they may act as fully and freely as any Governor, Lieut. Governer or Commander in Chiefe ought or might do, to all Intents and purposes as if this act had never ben made; any thing in this act contained to the Contrary not with standing: Provided,

And it is hereby enacted and declared by the authority aforesaid, that all the members of their majest^s Council, Justices of the peace, sheriffs, ministers, Treasurer of their Majest^s Revenue, Collect^r or dept. Collector, Sercher or Surveighors of their majestys Customs, School masters and Chyrurgeons shall be freed from being listed in any Company within this province and from all watching and ward-

ing or other military duty, any thing therein before contained to the Contrary in any wise notwithstanding.

JOHN USHER, Lieut. Governor,
RICHARD MARTYN, Speaker.

Henry Penny, Dep^{t} Sec^{r}.

No. 10.

An Act for the Establishing of Courts of Judicature for the use and Benefitt of their Majestys Subjects within this Province.

Whereas the Orderly Regulation and Establishment of Courts of Judicature Throughout this Province, as well in Respect of time as place, Doth tend very much to the Honor and dignity of The Crowne as to the Care and Benefitt of the subjects:

Be it Enacted by the Lieut. Governor, Council and Representatives Convened in Generall Assembly, And it is hereby Enacted and ordained by the Authority of the same, That every Justice of the Peace that Resides within any Town within this Province are here by fully Impowered and Authorized to have cognizance of all causes, cases of debt and Trespasses to the value of forty shillings or under, which causes and cases shall be heard, tryed and finally determined without a Jury by every Justice of the peace that Resides within any Town within this Province where the cause of Action doth arise; the prosses of warning shall be a summons under ye hand of the Justice, directed to the Constable of the Towne or precincts, or any deputed by him, where the party complained against doth Live, which summons being personally served or left at the defendant's house, Two days before the day of hearing of the plaint, shall be sufficient Authority to and for said Justice as aforesaid, to proceed on such cause or cases and determine the same in the defendant's absence; and to grant Execution thereon against the defendant's person, or for want thereof his estate, which the said Constable of the Towne or Precincts, or his Deputy, shall or may serve:—Provided always,

And Be it further Enacted, by the Authority aforesaid, that if the plaintiff or defendant shall desire a Jury, it shall

be allowed, But at the proper coste & charges of the person desiring the same: And for the Increse of virtue and the discouraging of evill doers throughout this Province,

Be it further Enacted by the Authority aforesaid, That there shall be held and kept yearly and every year four Quarterly courts of Sessions of the peace within this Province, at the dayes & times here after named and expressed, that is to say, on ye first Tuesday in March, June, September & December At Portsm^o, which courts of sessions of the peace shall continue for the space and time of Two dayes and no Longer; and for the more Regular and Benficiall distribution of Justice to the Inhabitants of this Province,

Be it further Enacted by the Authority aforesaid, That there be kept and held a court of common pleas within this province at the time and place hereafter named & expressed, that is to say at such place as the Court of sessions are to be kept, and to begin the next day after the sessions terminate, and only held and continued for the space and time of three dayes and no Longer, and that there be one Judge and three Justices appointed and commissionated to hold the same Court of please, three whereof to be Quorum, and that the severall and Respective Courts hereby established Shall have Jurisdiction to hear, try and finally determine all actions and causes of actions, and all matters and things and causes Tryable at the Common Law, of what kind or nature soever, not Exceeding Twenty pounds, and where Titles of Land is not concerned: Provided alwayes,

And it is hereby Enacted by the Authority aforesaid, That there shall be an Appeale or Removall by Habeas Corpus of any person or of any action or suit or of any Judgement or Execution that shall be determined in this Court, at the next supream Court of Judicature, to which said Courts of Common pleas there shall belong; & be appointed and commissionated for that purpose, one Clarke of the Court to draw, enter and keep the Records, declarations, Pleas and Judgments there to be had and made; & for the more Orderly proceeding in the said courts, all process and writts of what nature soever for the command of persons to appear and Execute the Judgements, Executions of the courts aforesaid, shall be directed to the sherriffe of this province and executed by him, his under sheriffe or deputy,

and all prosess and Writts for actions betwixt party and party in the said court shall issue out of the Office of the Clarke of the court signed pr. curiam; and that theire Majesties' Subjects Inhabitting within this Province may have all the Good, proper, and Just wayes and means for the securing and Recovering their Just Rights and demands within the same,

Be it further Enacted, & it is hereby Enacted and Ordained by the Authority aforesaid, that there shall be held and kept a Supreame Court of Judicature which shall be duly and constantly kept at Portsmouth and not Elsewhere, at the severall times here after mentioned, and that there be four Justices at the Least appointed and commissionated to hold the same Courts, Two whereof with the Chiefe Justice to be a Quorum; which Supream Court are hereby fully Impowered and Authorized to have cognizance of all pleas civill, criminall and Mixed, as fully & amply to all Intents and purposes whatsoever as the court of king's Bench, Common pleas, and Excheq^{r} within their Majesties' kingdom of England have or ought to have, in and to which Supream Court all and every person and persons whatsoever shall or may, if they shall so see meat, commence or Remove any actions or suit, or shall or may by warrant, writt of error, or Certiorori, Remove out of the courts of session and common pleas any Judgements, Information, Indictments, there had and depending, and may correct errors in Judgement if there be just cause; — alwayes provided,

And be it further Enacted by the Authority aforesaid, that this supreme court shall be constantly and duly kept and held at Portsmouth aforesaid on the last Tuesday in April and October yearly and every year, Provided also that they shall not sit longer y^{n} six dayes.

And Be it further Enacted by the Authority aforesaid, That it shall not be Lawfull for any person or persons whatsoever, appointed, Elected or commissionated to be a Justice or Judge of the aforesaid Courts, to Execute or Officiate his or their s^{d} place or office untill such time as he or they shall Respectively take the Oaths appointed by Act of Parliament to be taken Instead of the Oaths of Allegiance & Supremacie, and subscribe the test in open court.

And Be it further Enacted By the Authority aforesaid,

that all and every the Justices and Judges of the severall courts before mentioned, be and are hereby sufficiently Impowered to make, order and establish all such Rules and orders for the more orderly practising and proceeding in their said Courts, as fully and Amply to all Intents and purposes what soever, as all or any of the Judges of the said severall courts of King's Bench, Common pleas, Excheq^{r}, in England, Legally do: provided alwayes,

And Be it further Enacted by the Authority aforesaid, That no person's Right of property shall be by any of the aforesaid courts determined, Except where matters of fact are either acknowledged by the parties, or Judgement be acknowledged or passeth by the defendant's fault for want of plea or answer, unless the fault be found by the Verdict of Twelve men of the neighborhood, as it ought of Right to be by the Law.

And it is hereby Enacted by the Authority aforesaid, That there shall be a court of Chancery within this province, which said court shall have power to hear and determine all matters of Equity, and shall be acco^{ll}ed and Esteemed the high court of Chancery of this Province: —

And be it further Enacted by the Authority aforesaid, that the Governor and councill be the said high court of Chancery and hold & keep the said court, and y^{t} the Governor may depute, nominate and appoint in his stead a Chancellor, and be assisted with such others persons of the Council as shall by him be thought fitt and Convenient, together with all nessesary officers, clerke & Registers as to the said high court of Chancery are need full; — Provided alwayes,

And it is hereby further Enacted by the authority aforesaid, that any freeholder, Planter, Inhabitant or sojourner within this province, may have Liberty, if he or they see meet, to make his or theire appeal or appeals from any Judgement obtained by him or them against him or them in case of error in the severall Courts aforesaid, in such manner and forme as is hereafter expressed, that is to say, from the Courts of Common pleas to the Supream Court for any Judgement not exceeding Twenty pound, & from the Supream Court to the Governor and Council for any decree of Judgment above the value of fifty pounds; and from the Governor and Council to their Majesties in Council for any decree or Judgement above the value of one

hundred Pounds Sterling, as in their maj^ties Letters Patents to the Governor Doth direct.

JOHN USHER, Lieut. Govern^r,
RICHARD MARTYN, Speak^r.

Henry Penny, Sec^r.

No. 11.

An Act for Killing of Wolves.

Be it enacted, &c., That whosoever shall at any time hereafter kill or destroy any growne Wolfe in any Town within this Province, he shall be paid and allowed at the publick charge of the said Towne, the sum of twenty shillings pr head; and for a wolfe's whelp half so much; and that the same be raised by the selectmen in each Respective Towne with other Town charges, and duly paid and satisfied accordingly.

JOHN USHER, Lt. Gover^r,
RICHARD MARTYN, Speak^r.

No. 12.

An Act to prevent the Prophanation of the Lord's Day.

Be it enacted, &c., That whosoever shall on the Lord's day be found to do any unnecessary Servile Labour, Travell, Sports, or frequent ordinaries in time of public worship, or Idely stragle abroad, The person soe offending shall pay a fine of ten shillings or be Sett in the Stocks an hower: And for discovery of such offenders, It is hereby ordered that the Constable doe require what person or persons he shall see meete in time of Public Worship, to go forth to any suspected place within their Precincts to finde out any offenders as above; And when found to secure him & as soon as possible to carry him before some Justice of Peace who shall deale with him according to Law. And who soever shall refuse to obey the Constable in attending him about this act shall pay a fine of forty shillings to the use of their Majes^ties.

JOHN USHER,
JOHN GILLMAN.

THO. DAVIS, Secr^y.

No. 13.

An Addition to a late Act, Entitled An Act to compell Constables to doe their duty in Collecting Rates.

Bee it enacted, &c., That where Constables are negligent in collecting and paying in the Rates legally committed to

them, that then the warrant for distraining upon their Estates according to former Act shall alsoe be to apprehend and imprison their person, where noe Estate appears, untill they finde Estate to answer the Law: And it is hereby further enacted, by the authority aforesd, That if any person or persons neglect or refuse the payment of their respective Rates after demand made by the Constable at their house or usual place of abode, and noe Estate appears whereon to take distresse, then it shall be in the power of the Constable, by warrant from a Justice of peace, to apprehend and Imprison such person until said Rates and all necessary charges thereabout be paid. And in case any person shall remove out of the Towne where he is rated, into any other Towne within this Province, before said rate is paid, then, and in such case, the next Justice of peace shall direct a warrant to the Sheriffe for levying the said rate on the estate, or for want thereof on the person soe removing, wherever he is to be found within this Province.

JOHN USHER, Lt. Governr,
Thos. Davis, Secy. JOHN GILLMAN, Speaker.

No. 14.

An Act for raising of money for supporte of the Government, in repairing Fortifications & for re-imbursing of the Treasury.

Wee their Majesties most loyal and dutyfull subjects, the Representatives of this their Majesties Province, Convened in Genll Assembly, being sensible of the great charge & Expense wch hath all ready bin expended, and will be dayly growing and increasing, in Defending & securing the Frontier Garrisons both by Sea & Land, againstt their Majesties French and Indian Enemies, have cheerfully & unanimously given & granted, and doe hereby give and grant unto their Most Excelent Majties, their Heirs & successors, to the end & intent aforesaid, ye sume of two hundred pounds; and humbly beseech their Majties to accept the Same.

Be it therefore enacted, &c., That a rate of two hundred Pounds be forthwith made on all persons and Estates, Reall & Personall, throughout this Province, wth out exception of any persons but ministers, according as it is hereafter proportioned to each place; viz., The proportion of Portsmouth and New Castle to this rate, is seventy pounds; the

Proportion of Hampton to this rate is sixty pounds; the Proportion of Dover is to this rate thirty pounds; the Proportion of Exeter to this rate is thirty three pounds, 6s. 8d.; And that ye Treasurer doe forthwith send forth his warrants to ye selectmen of each place for ye making of ye said rate and assessm^t^ according to this proportion, And ye rate to be made by the selectmen & Commission^rs^ according to valuation of Estates, and all other methods settled thereabouts, by an Act of Assembly made in ye fourth year of their Maj^ties^ Reigne, for making & collecting a Province Rate; And ye rate & assessment soe made, to be forthwith committed to ye respective constables, with warrants to collect & transmitt the same to ye Treasurer for ye time being, on or before ye last day of Septemb^er^ next ensuing ye publication hereof, who is to pay the charge of transportation, out of ye Publique Treasure; and whosoever pays not ready money, have liberty of paying in any of ye species at ye price in ye last Province rate mentioned: Provided that they pay after the rate of three shillings for two shillings mentioned in ye Rate, soe as to brin all to money; Provided also, y^t^ it be in ye power of the selectmen, where any persons are aged, decrepid or soe indigent y^t^ they are uncapable of paying any thing, to favour such in y^r^ Rates.

JOHN USHER,
THOS. DAVIS, Secretary. JOHN GILLMAN.

No. 15.

An Act for Maintenance and Supply of the Ministry within this Province.

Be it enacted, &c., That it shall and may be Lawful for the freeholders of every respective Towne Convened in publick Towne meeting as often as they shall see occasion, to make choice of and by themselves or any other person or persons by them appointed, to agree with a Minister or Ministers for the supply of the Towne, And what Annuall Salary shall be allowed him; and the minister so made choice of and agreed with shall be accounted the settled minister of the Towne; And the Selectmen then, for the time being, shall make Rates and Assessments upon the Inhabitants of the Towne for ye payment of the Minister's Sallery as aforesaid, in such manner and forme as they doe for defraying of other Towne charges, which Rates by

warrant from a Justice of Peace, with the Selectmen, to the Constable or Constables of the Towne, shall be by him or them collected and paid according to the direccion of the Selectmen, for ye end aforesaid, Provided always, That this Act do not at all interfeere with their Majesties' grace and favor in allowing their Subjects liberty of Conscience; nor shall any person under pretence of being of a different persuasion be excused from paying toward the support of the settled Minister or Ministers of the Towne, but only such as are conscientiously so and constantly attend the publick worship of God on the Lord's day according to their owne persuasion, and they only shall be excused from paying towards the support of the ministry of the Towne.

And it is hereby further enacted and ordained, that for the building and repairing of meeting houses, ministers' houses, shoolhouses, and allowing a sallary to a shool master in each Towne within this Province, the Selectmen in the respective Towns shall raise money by an equal Rate and assessment upon the Inhabitants, in ye same manner as is in this present act directed for the maintenance of the minister. And every towne within this province, Dover only excepted during the warr, shall from & after the publication hereof provide a schoolmaster for the supply of the Towne, on penalty of Ten pounds per annum for neglect thereof, to be paid one halfe to their Majes^ties, the other halfe to the poore of the Towne.

JOHN USHER,
JOHN GILLMAN.

THOS. DAVIS, Secry.

No. 16.

An Act for Setling a Post Office within this province.

Whereas Thomas Neal, Esq., for himself his Execu^r, Adm^rs and Assignes, has obtained from their most Excellent Majest^s full power and authority by Letters Pattents under the great seal of England, bearing date the seventeenth day of February, 1691, to erect, settle and establish within their said Majest^s colonies and Plantations in America, an office or offices for the receiving & dispatching of Letters and Packquetts according to direction, under such Rates and Sums of money as the Planters shall agree to

give, and forasmuch as application has been made to the Lieut. Governor and Councill for encouragment in this affaire:

Bee it therefore enacted, &c., That a Post Office and Officer be henceforth appointed and settled in some convenient place within the Towne of Portsmouth for receiving and dispatching away, according to direction, all Letters and Pacquetts that shall be brought there into, And no person or persons what soever shall presume to carry or recarry any Letter or Letters for hire, but only such as belong to the Post Office, deriving their power and Authority from the aforesaid Thomas Neal, except such Letters of Merchants & Masters which shall be sent by any Mast^r of any ship, boat or other Vessell of Merchandize, or by any other person employed by them for the carriage of such Letters aforesaid, according to the respective direction, and alsoe except Letters to be sent by any private friend or friends in their way of Journey or Travel, or by any messenger or messengers sent on purpose for or concerning the private affaires of any person or persons; And whoever offends against this Act shall forfeit the sume of ten pounds, one halfe to their Maj^ties towards the support of the government of this province, the other halfe to the Post Mast^r Generall, who shall sue and prosecute for the same.

And it is hereby further enacted by the Authority aforesaid, That all Letters and Pacquetts brought into this Port from beyond Sea (other than such letters as are before excepted) shall by the Importer be forthwith delivered at the Post house or to the Officer belonging there unto, which officer shall pay a halfe penny to the Importer for each Letter or Pacquett so delivered, and for each Letter so brought in from beyond Sea shall be paid by the person to whom directed Two pence, and for a Pacquett (quantity) no Less than Three Letters, besides Bills of Ladeing, Invoyces, Gazetts, &c., four Pence, and for each Letter brought from Boston into this Province, not exceeding six pence and double for a Pacquett, & so proportionally for all other Letters from beyond Boston shall be paid what is the accustomary allowance in the Government from whence they come.

And it is hereby also further enacted and ordained by

the authority aforesaid, That in case any officer belonging to the Post Office shall omit their duty in keeping constant Posts for the carrying of Letters to the Severall places and stages appointed, or shall neglect seasonably & faithfully to deliver forth the Letters according to the Intent of this Act, such officer so offending shall forfeit the sume of five pounds, ye one halfe to their Maj^ties, the other halfe to the party agrevied, who shall sue for the same.

And all letters concerning their Majesties' service shall be received & dispatched away with all possible speed, according to their direction, free of all charge and without demanding pay for the same, any thing herein before contained to the contrary notwithstanding.

And it is further enacted & ordained, that the officer of the Post house having License granted to Retaile Bear, Cyder and Ale within doors according to Law, shall have his excise free, and no officer of the excise shall demand any thing of him for the same, and his person to be excused from watching and warding, Provided always that this Act, nor any thing therein contained, shall continue in force any Longer than Three years from and after the publication thereof.

JOHN USHER,
JOHN GILLMAN.

Tho. Davis, Secry.

No. 17.

An Additional Act to ye Law intitled Cornfields and Fences.

Whereas in ye late Act made concerning Corne-fields & fences, the latter clause thereof saith, "Such fence as is Accounted sufficient against cattle shall also be accounted good against sheep & swine," wch will not secure Men's corne, in fields, near towns in some places:

Be it therefore enacted, &c., That it shall be in ye power of the selectmen of ye severall Towns, to make such orders as shall be necessary to preserve corne; as also to determine what shall be Accounted a sufficient fense against all sorts of cattle (any thing in ye fore going Act made concerning Corn-fields & Fences, to ye contrary notwithstanding).

No. 18.

An Act Concerning Marriages, Births and Burialls.

Be it Enacted, &c., That it shall and may be Lawfull for any Justice of the Peace or settled minister residing within this Province to Joyne persons in Marriage, Provided they be Published Three Publique Meeting dayes according to former custome; And whosoever is joyned soe in Marriage shall pay to the Justice or Minister soe marrying them five shillings; And shall within one weeke take care to have his marriage Recorded by the person deputed to Record Births and Burialls, and to pay for the same six pence, but if they neglect it above a weeke then to pay Twelve pence for every coupell soe married.

Be it likewise further Enacted and it is hereby enacted and Ordained by the Authority aforesaid, That the clarke in every Towne within this Province shall Record Births and Burialls; and all Persons concerned are to take care to give notice thereof to the s^d^ clerke within one month, and for every Birth and Buriall six pence if within one month, or else Twelve pence, and the clarke to returne every Quarter of a year a List of all Marriages, Births & Burialls unto the Register appointed for the Province, paying two pence to the Register for every name so Registered.

JOHN USHER, Lieut. Governor,
JOHN GILLMAN, Speaker.

Tho. Davis, Secry.

No. 19.

An Act to Ease People that are Scrupulous in Swearing.

For as much as there are sundry persons within this Province out of a tender conscience refuse to give their evidence on Oath, in any matter or thing that is depending in any of the Courts within the same:

Bee it therefore Enacted, &c., That in such case the person or persons refusing to swear shall give in their evidence or Testimony in manner or form following: That is to say, I, A B, doe solemnly promise, as in the presence of God, to speak the Truth, the whole truth, & nothing but the Truth, to the matter or thing in Question.

And be it further Enacted by the Authority afores^d^, That if any such person or persons so refusing, as aforesaid, shall be summoned to serve upon any Jury in any

court within this Province, Then such person or persons shall make the Engagement following: That is to say, I, A B, doe solemnly promise as in the presence of God, That I will well and Truly Try the Issue Between C D, Plaintiffe, and F G, Defendant, according to evidence. And in case any such person or persons so called to evidence or to serve upon any Jury, and declaring as aforesaid, shall afterwards be convicted of willfull falsehood, That then and in such case such person or persons shall undergoe the same punishment as in case of wilful perjury is appointed and provided.

And be it Enacted by the Authority aforesaid, that any person or persons desiring the same shall be allowed the Liberty of holding up the hand in swearing; And all Oaths so taken shall be accounted as good and valied as by laying the hand on the bible.

JOHN USHER, Lieut. Governor,
JOHN GILLMAN, Speaker.

Tho. Davis, Secr'y.

No. 20.

An Act for ye Treasurer to pay for ye copies of the Laws of this Province.

Bee it Enacted, &c., That ye Secretary of this Province doe forthwith from time to time send to each Towne within this Province, Copies fairly written of all the Lawes y^t^ shall from time to time be made by the Lieut. Governour, Counsell & Genl Assembly for this Province; And y^t^ the feeis for the same shall be paid by ye Treasurer out of the Publick Revenue.

No. 21.

An Act to Prevent Concealing Estates from Assessors.

Whereas it is found by experience that several persons doe what in them lye to conceale and secure their Estates from time to time and will not give in a true & perfect Inventory and amount of the same to the select men and comishioner from time to time appointed for the making of Rates, so that those who make Conscience of what they doe pay more than their proporcion through their neglect:

Bee it therefore Enacted, &c., That whosoever shall after the date hereof leave out any of his Ratable Estate, and not give in the same in his Invoyce or perticular when called

there unto by the select men and Comishioner, for every pound Ratable Estate that shall be so left out and not discovered, The select men with the Comishioner shall have power to Rate such person that shall so conceale & not discover the same, the sume of five shillings for every pound that shall be so concealed and not discovered as aforesaid.

JOHN USHER, Lieut. Governor,
JOHN GILLMAN, Speaker.

Tho. Davis, Sec'ry.

No. 22.

An Act for raising money for supporte of ye Government, in Repairing Fortifications & making provision for souldiers.

Wee, their Majesties' most Loyal and Dutifull subjects, the Representatives of this their Majesties' Province, convened in Gen[l] Assembly, being sensible of y[e] great charge & expense w[ch] hath all ready a Rising & must necessarily be dayly growing & increasing, in defending & securing their Majesties' subjects & interests, against their French & Indian Enemies, have cherefully & unanimously given & granted, and doe hereby give & grant unto their most Excellent Majesties, their Heirs & successors, to the end & intent aforesaid, y[e] sum of six hundred Pound, and humbly beseech their Maj[ties] to accept the same:

Bee it therefore enacted, &c., That a Rate of six hundred Pounds be forthwith made on all persons & Estates, Reall & personal, throughoute y[e] Province, without exception of any person but ministers, according as it is hereafter proportioned to each Towne; viz., the proportion to y[e] Towne of Portsmouth to this rate is two hundred & ten Pounds; the proportion to y[e] Towne of Hampton to this Rate is two hundred Pounds; the Proportion to y[e] Towne of Dover is to this Rate one hundred and ten pounds; the proportion to the Towne of Exeter to this Rate is eighty pounds: That y[e] Treasurer doe forthwith send forth his warrants to y[e] select-men of each Towne for the making of y[e] said rate & assessm[t] according to this proportion; And y[e] rate to be made by the selectmen & Comissioner According to valuation of Estates, & all other methods settled thereabouts, by late Act of Assembly for making and collecting y[e] last Province Rate: And y[e] Rate & Assessm[t] soe made to be forthwith comitted to y[e] respective Constables, wth warrants to collect and transmitt y[e] same to y[e] Treasurer for the time being, who is to pay y[e] charge of transportation, out of y[e] Publick

Treasure; And whosoever payeth not ready money have liberty of paying in any of the species at ye prices hereafter mentioned, Provided, they pay after ye rate of three shillings for two shillings mentioned in the rate, so as to bring all to money: ye species are merch^ble Pine boards, at thirty six shillings per thousand; merch^ble Red Oak hoggh^d staves at twenty six shillings per thousand; Merch^ble white Oake Pipe staves, at three pound per thousand; Merchantable Beefe at two pence per pound; merch^tble porke at three pence per pound; Indian corne at three shillings per bushel; And good sound Pease at four shillings per bushel; fish & mack'rell at price currant; — Provided it be in ye power of ye selectmen, where any persons are aged & decrepid, or soe indigent that they are uncapable of paying any thing, to favour such in their Rates.

JOHN USHER, Lt. Govern^r,
JOHN GILLMAN, Speaker.

THO. DAVIS, Secretary.

No. 23.

An Act to compel Constables to do their Dutie in collecting Rates.

Bee it Enacted, &c., That if any Constable wth in this Province shall neglect his duty in collecting any Rate or Rates committed to him by such as are Legally Authorised thereto, or shall omit to make up & a'just his Account wth ye Treasurer or Selectmen, within three months time, after such Rates shall be committed to him to collect; then & in such case, it shall be lawfull for ye Treasurer in case of Province rates, or ye selectmen wth one Justice of peace, in case of Town rates, to isshew forth his or their warrants to ye Sheriffe, to distraine upon ye Estate of each Constable so delinquent to ye full valew of such Rates wch he hath omitted to collect, or pay in, according to ord^r within ye time of three months before mentioned.

JOHN USHER, Lt. Govern^r,
JOHN GILLMAN, Speaker.

THOS. DAVIS, Secr^y.

No. 24.

An Act for the Settling & distributing of Intestate Estates and such as prove Insolvent.

Be it enacted and ordained by the Lieut. Governor, Councill and Representatives convened in General Assembly & by the authority of the same, That when any person

dies Intestate, administracion of such Intestate's goods and Estates shall be granted unto the widdow or next of kin, or both, or, upon their Refusal, to one of the Creditors, as the Judge of probate of wills and granting administracion shall think fitt, the said Judge taking bond with securityes for their administring according to Law; and after all just debts & severall charges are paid, the Remaining Goods & Estates, as well Reall as personall, shall be distributed in manner following: That is to say, one third part of the personall Estate to the wife of the Intestate for ever; one third of the house and Lands during her life unless she was other wayes endowed before marriage, and all the Residue of the Reall and personall estate by equall proportion to and among the children, except such who have an estate by settlement of the Intestates in his life time, saving alwayes to the eldest son surviving a double portion where no issue of an elder Brother appears; and where any estate in houses and Lands cannot be divided without great Prejudice, the said estate shall be vallued by three or four able men appointed thereto upon oath, and the Eldest son to have the Refusall thereof, paying to the other Children their proportion of the vallue. But if the eldest son accept not, one of the others may, on the same terms. But in case there be no wife the whole estate shall be distrebuted among the children in manner aforesaid, and where no children, to the next of kin.

And it is further enacted by the authority aforesaid, that in case of Insolvent estates the judge of probate of wills and granting administracion shall nominate and appoint Two or Three fitt persons to be commissioners, with time allotted to Receive and examine all claims from the Creditors to the estate, and what they find justly due to make Report of to the judge, who shall order a distribution of said estate both reall and personall amongst the creditors according to proportion, saving only the widdow her third of houses and Lands during her life.

And it is further enacted by the authority aforesaid, that all Lands shall be accounted as Chattles & Liable to payments of debts where there is no personall estate sufficient to sattisfie the same.

JOHN USHER,
JOHN PICKERIN.

THO. DAVIS, Sec^r.

No. 25.

An Act for ye renewing & continuing an Act for ye establishing a Revenue for the defraying the Publick Charge of the Government.

Whereas, &c. [This Act simply renews the Act No. 3, and continues it in force, "until ye thirtieth day of October, 1694; excepting & making voyd ye clause or part of ye 3d Act relating to Sloops or Boats, that trade along ye shore, to be free from paying of Powder money, y^t^ comes into this Province for traffic from any port or harbour on this side Conectticutt."—ED.]

No. 26.

An additional Act for Incouragement of ye Post office.

Whereas, notwithstanding a late Act for ye settling a Post Office within this Province, sundrie Letters are brought by sloops & other vessels along shore, to ye prejudice of those who are at ye charge of keeping a post going once a week by land:

Bee it enacted, &c., That from and after ye publication hereof all masters of sloops or other vessels arriving within this Province, shall forthwith deliver all Letters by them brought in (excepting only such as concerne ye loading of their vessels) unto the Collector or such officer with whom they make entry of their vessells; which letters ye said officer shall, with all convenient speed, deliver in to ye Poste house, or as the Poste master shall order: And for every Letter so brought in shall be paid two pence by ye person to whome ye same is directed: Provided, always, that the weekly Poste by land doe constantly keepe between Boston & Portsmouth; and y^t^ this Act nor any thing therein contained, shall continue in force any longer than ye late Act intiteled "an Act for setling a Post office within this Province," wch was limited to three years from and after the publication thereof.

No. 27.

An Act for the acknowlegm't of Deeds.

Be it enacted, &c., That it shall be in the power of any one of their Majest^s^ Councill or any Justice of the Peace within this Province, to take the acknowledgment of all deeds of sale & deeds of gift: The Parties desiring the same to be done shall pay for the doeing thereof Two

shillings, to him that takes the acknowledgment; and if any person or persons having signed, sealed and delivered such deed or deeds shall refuse to come before one of the Councill or a Justice of Peace to acknowledge the same deeds, it shall be in the Power of any of the Councill or Justices of the peace forthwith to Issue out his warrant to the Sherife or a Constable of the s^d^ Province, to cause the delinquent to come before him to acknowledge s^d^ deed of sale or deed of gift, And if the person shall refuse to do it, then it shall be in the power of a member of the Councill or Justice of the Peace to committ him to prison without Baile or Mainprise, There to lye untill he shall acknowledge the same deed.

Past by the Assembly,	M. Hunking, Clarke.
Past by the Councill,	Wm. Redford, dept. Secry.
Assented to by	JOHN USHER, Lieut. Governor.

No. 27.

An Act to prevent Expence of time, and Gaming, in Ordinaries.

Bee it enacted, &c., That no persons within this province shall play at cards, dice, tables, ninepins or other Games for money in or about any Publick House of entertainment on penalty of three shillings four pence fine, after publication hereof, To be paid by the persons so gaming for money; and ten shillings fine to be paid by the keeper of such house of entertainment: And that no Seamen or other Persons in pay, hired for a longer or shorter time, do sit Tipling in any Publick house of entertainment above one hower at a time on like penalty as above; The conviction to be before a Justice of Peace, and the fines to go one halfe to the Informer, the other halfe to the Poore of the Towne.

Past by the Assembly,	M. Hunking, Clarke.
Past by the Councill,	Wm. Redford, Dept. Secr^y^.
Assented to by	JOHN USHER, Lieut. Govr.

No. 29.

An Act for altering the Sessions of the Supream Court.

[This Act simply changes the times of holding the Supreme Court from "ye last Tuesday of October & April yearly," to "ye first Tuesday of October & April yearly." ED.]

No. 30.

An Act for Restraining of inhuman Severities.

Be it Enacted, &c., for the prevention & restraining of inhumane Severitie, which by evil masters or Overseers may be used towards their christian servants, That from & after the publication hereof if any man smites out the eye or tooth of his man servant or maid Servant, or otherwise maime or disfigure them much, unless it be by meer casualitie, he shall let him or her goe free from his service & shall allow such further recompense as the Court of Quarter session shall adjudge him.

And it is further enacted & ordained by the authority aforesaid, That if any person or persons whatsoever within this Province shall willfully kill his Indian or Negroe Servant or servants, he shall be punished with death.

Past By the Assembly,	M. Hunking, Clarke.
Past By the Councill,	Wm Redford, Dept. Secry.
Assented to by	JOHN USHER, Lieut. Governor.

No. 31.

An Act to prevent Seamen neglecting their duty.

Bee it enacted, &c., That from and after ye publication hereof, That all contracts between masters of vessells and seamen, who have shipped themselves for a voyage, and signed to ye master's Book for proofe of shipping, shall be oblidged to attend ye service on board & proceed ye voyage accordingly. And whosoever soe shipped shall desert his service & ship himselfe with any other, shall pay a fine of forty shillings, & loose the time he has served (the fine to be for their Majesties' use for support of their Majesties' Government) and returne ye money wch he may have Rec^{d} for part wages due or taken. And whosoever shall entertaine any such seamen abord any vessell or elsewhere, after notice given by the master who first shipped him, shall pay a fine of three pounds to their Majesties for supporte of their governm^{t}, & in case any soe shipped shall absent themselves or run away from their service, It is further enacted, by the authority of the same, that it shall be in ye power of a Justice of ye Peace, by issuing out his warrant,

or hew & cry, to apprehend him & committ him to prison, untill ye vessell he belongs to be ready to saile; and then deliver him to ye Master, Provided ye Master will pay ye charges there about, to be deducted out of ye seamen wages.

No. 82.

Province of New Hampshire.

Acts and Laws made and passed by the Hon'ble ye Ltt. Governor & Assembly, convened by adjournment att New Castle, July 8th, 1696.

An Act requiring all persons to take ye oath of Allegiance and Supremacy.

Whereas a late Horrid and Detestable Conspiracy,* against his Maj'^ty^s sacred person, as by the Providence of Almighty God, [hath] been happily discovered, and thereby his Maj'^ty^s Royal person preserved; to ye intent y^t all his subjects, within this Province, may now recognise their duty and Allegiance:

Bee it therefore enacted & ordained by the Lt. Governor, Council and Representatives convened in General Assembly, and it is hereby enacted and ordained, by the authority of the same, That all male persons w^th^in this Province, from sixteen years old and upwards, on due notice of time and place, shall appear and take the oath appointed by Act of Parliment to be taken, instead of the Oath of Allegiance & Supremacie; And y^t two or more Justices of the Peace, appointed thereto by the Lieut. Governor, for each Towne, shall give notice for time and place of meeting, & administer the s^d Oath in the respective Towns accordingly, Returning a List of the names of all persons so sworne into ye Secretary's office; and in case any person shall refuse to take ye s^d oaths, the persons impowered to administer the same shall forthw^th commit him to ye common Goale, there to remaine without baile or mainprise for ye space of three months, unless he pay down forty shillings for ye use of ye poore, and become bound wth sufficient securities to be of good behaviour, and to appear at ye next Quarter Sessions of ye Peace, where, if he continues obtinate in his refusall

* See Minutes of Council Vol. II, pp. 188, 191.

to take ye s^d oaths, he shall be fined not exceeding ten pounds, and his bond of good behaviour continued. And whereas there are certain persons who are scrupulous in swearing, every such person or persons shall make & subscribe the Oath of fidelity following, viz:

I, A B, do sincerely Promise and solemnly Declare before GOD and the world, that I will be true and faithful to King *William* and Queen *Mary*; and I do solemnly profess and declare, that I from my heart, abhor, detest and renounce as impious & heretical, that damnable Doctrine and position, that Princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or Murdered by their subjects, or any other whatsoever; and I do declare that no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any power, jurisdiction, Superiority, preheminence or authority, Ecclesiastical or Spiritual, within the Realm of England, or any of their Majestys' Dominions.

GEORGE JAFFREY, Speaker.
In behalf of ye Council, Wm. Redford, D. Secy.
Assented, JOHN USHER, Lt. Govern^r.

No. 33.

An Act to prevent Trespasses in cutting down Trees upon Lands without fence.

Whereas Trespasses are very frequent upon men's rights and properties of timber where the same is not within fence, to the great prejudice of many of his Maj'tys good subjects inhabiting this Province, for prevention whereof—

Bee it enacted, &c., That whosoever shall cut down any tree or trees without leave from the owner or owners, shall pay to the party damnified, five shillings for each tree, or more according to the value of the trees, & the owners shall be accounted those, or such as derive a right from those, to whom the land upon which said trees grow is layd out and bounded by the layers out of Land chosen in each Towne, or others legally appointed thereto, unless in such case, where the right of the timber belongs to one, and the right of land (whereon said timber grows) belongs to another; and then the damage accruing by such trespasses shall be paid to him to whom the right of Timber belongs. And whosoever shall cutt down any bound mark-Trees shall pay a fine of forty shillings to his Maj^tie, his heirs and successors, towards the support of this his Maj^tys goverm^t, and that every Justice of the Peace within this Province shall have power to hear and determine the causes abovesaid; always provided, that this Act or any

thing therein contained, shall not be understood to intermeddle with such trees as his Maj^{ty} has been pleased to reserve for Masts, Bow-sprits & yards for supply of his Royal Navy.

JOHN PICKERIN, Speaker,
HEN. PENNY, Secr^{y},
JOHN HINKS, President.

No. 34.

An Act for providing a Prison.

Whereas great inconveniency may arise for want of a Prison wthin this Province:

Be it enacted, &c., That ye Treasurer doe forthwth agree with Mr. Saml Cutt for his Wind-mill in Portsm^{o} and cause the same to be fitted for a Prison, untill further care be taken thereabout, defraying the charges thereof out of ye Publick Treasury.

GEORGE JAFFREY, Speaker.
In behalfe of ye Council, WM. REDFORD, Dept. Sec^{y}.
Assented, JOHN USHER, Lt. Govern^{r}.

No. 35.

An Act for continuing and reviving the Lawes already made for settling and encouraging the weekly Post from Boston to this Province.

[This Law merely continues in force one year the Post Laws enacted in 1693, 1694 and 1695.—ED.]

No. 36.

June 8th, 1697.

An Act for ye raising of six hundred and fifty pound to defray ye Publick charge of ye Province.

[To be "applied first to the subsistance and payment of the Masathusetts souldiers, now in his Maj^{tys} service in this Province, and then to the paym^{t} and sustenance of ye souldiers of our own Inhabitants, and all just Debts, accrueing by other incident charges."

The proportion of the above Rate was "to Portsmouth, £140, 1s., 6d.; to Hampton, £187, 2s., 4d.; Dover, £127, 9s., 7 1-2d.; Exeter, £115, 14s., 0d.; New Castle, £79,

12s., 6d.," to be paid in money or in species at the following prices, viz:

"Red oak hhd. Staves . .	15s. per M.
Merchth Pine Boards . . .	25s. per M.
White oak Pine Staves . .	45s. per M.
Scale fish at	10s. per Q^{tt}.
Cod fish	12s. per Q^{tt}."]

No. 37.

An Act to prevent damage by horses.

Whereas there hath been complaint made of unruly horses, doing of damage in this Province, both in corne fields, meadows & pastures, wch if not timely prevented will be very prejuditiall to ye Inhabitants of this Province:

Be it therefore enacted, &c. That no horse nor horse-kind shall be suffered to goe loose upon any of our Common belonging to any towne in this Province, without they have a sufficient pare of fetters on, from the last of March to the last of October, from yeare to yeare, upon the penalty of paying ten shillings, the one halfe to him y^{t} impound y^{m}, ye other halfe to ye selectmen for ye use of ye poore of that Towne where they are impounded; and if any man's horse or horse kind shall be found in any man's corn field, meddow, Pastur, or other inclosure, the owner of any such horse or horse kind shall pay a fine of ten shillings money; the one halfe to him y^{t} impounds them, the other halfe to ye overseer of the poore, for ye poore of that Towne where they did damage, befor such horse or horse kind shall be released out of pound, besides all damage, if such horse or horse kind have not on a suffitient pare of fetters, except there be proof that such horse or horse kind have been used to goe with suffitient fetters, or had broken or lost them; In such case to pay only ye damage of ye first offense; and in no case shall any unruly horse be suffered to goe on ye Common, or horse kind, as above said, that is knowne to be unruly, with fetters, though never so well fettered, upon ye penalty of ye owner's paying ten shillings money, the one halfe to them that impound them, the other halfe to ye use of the poore as afore^{sd}; neither shall any person y^{t} is not a free holder keepe any horse or horse kind upon any of ye Comons, upon the penalty of ten shillings, to be taken by the Constable, by warrant from a Justice of

ye peace, in y^t Town where ye offence was committed, the halfe to them y^t shall impound them, the other halfe for ye use of the poore afore said.

JOHN PICKERIN, Speaker,
HENRY PENNY, Sec^y,
JOHN HINKS, President.

No. 38.

An Act for repealing part of ye Act, made in the year one thousand six hundred ninety-five, Limiting every town in this Province to four houses of Entertainm't, besides ferries, and being not thought fitt to answer ye end for wch it was made:

Bee it therefore enacted, &c., That y^t part of ye Act which lymitts every Towne to four Houses of Entertainm^t, & no more, is hereby repealed & hereafter is left to ye discretion of ye Justices of the peace, at ye Quarter Sessions, to lycense soe many & no more than they shall judge needful & convenient, having respect to the other part of ye Act: That none be licensed but according to s^d Act, & every time they renew their lycense, to bring, und^r the hand of ye selectmen of ye Town whereto they belonge or ye major part of them, y^t they are persons duly quallified for ye same.

JOHN PICKERIN, Speaker,
HENRY PENNY, Secr^t,
JOHN HINCKS, President.

No. 39.

An Addition to the Act Relating to Excise, for impowering the Treasurer, or any appointed by him, to enter into any Retailer's cellar or ware House that have not agreed w'th him, and their seize all Drinks not duly entered and ye Excise not payd.

Bee it enacted, &c., That the Treasurer himself, or any appointed by him, may and shall have liberty, as often as he shall see cause, in the day time, to enter the house, store-houses or cellars of any Lycensed house or Retailer's, and that have not agreed with ye Treasurer, or any by him appointed for agreement of the same; — there to seize any wine, Rum or other liquor according to said Act; and to dispose of ye same, — one third to the informer, the rest to ye use of the Province, unless the Treasurer see cause other

ways to agree wth the Delinquent person; And ye Treasurer when he sees cause, to give warrant to any constable to be aiding & assisting herein.

JOHN PICKERIN, Speaker,
HENRY PENNY, Sec'y,
JOHN HINCKS, President.

No. 40.

June 8, 1697.

An Act for ye Security and preservation of ye Records of this Province.

Whereas the scattering of ye Records of this Province into sundry places and persons' hands, hath bin much to ye detterment of his Maj'tys subjects therein; for ye future prevention whereof,

Bee it enacted, &c., That all Records of all kinds belonging to this Province, before ye arrivall here of John Usher, Esq., Lieut. Govern^r^, bee deposited into ye hands of Maj^r^ William Vaughan, Esq., at Portsmouth;—he giving copies to any that have occasion, taking the usual fees for ye same.

JOHN PICKERIN, Speaker,
HENRY PENNY, Sec'y,
JOHN HINKS, President.

No. 41.

An Act for providing of a Prison in this Province.

June 8, 1697.

The Sheriffe of this Province complaining that the want of a Prison in this Province renders him uncapable of performing his Office:

Bee it therefore enacted, &c., That the sheriffe forthwith take up the Fort on Mr. Thos. Graffort's hill at Portsmouth, for that use & see it fitted Accordingly; The charge thereof to be paid out of the Treasury, and the owner to be allowed forty shillings per annum rent for the same till further order.

JOHN PICKERIN, Speaker,
HENRY PENNY, Secre'ty,
JOHN HINCKS, President.

No. 42.

An Act for the raising of money for the support of the Government.

[This Act provides, in the usual manner, for the raising of £700, by a rate on the persons and estates, real and personal, of all the towns in the Province — proportioned to each town as follows:

Portsmouth, . .	£167	Exeter, ...	£127
Hampton, . . .	230	New Castle, . . .	86
Dover, . . .	90		

The above rate to be paid "in money, or ye species at ye prices herein mentioned, viz:

Merch^ble Pine Boards, at . .	30s pr. M.
Merch^ble white Oak staves at . .	£3 pr. M.
White Oak hhd. staves at . .	30s. pr. M.
Red Oak hhd. staves at . .	20s. pr. M.
Wheat at	5s. pr. bush.
Good pease at	4s. pr. bush.
Malt at	3s. pr. bush.
Indian corne, ...	2s. 6d. pr. bush.

Fish & Mackrell at price current.
Good beefe at seven farthings pr. lb.
Porke at two pence halfe penny."

And it is also provided, "It be in ye power of ye selectmen, where any poor, decreped, indigent person that they are uncapable of paying any thing, to favour suche."—ED.]

No. 43.

An Act for ye Paym't of ye care of souldiers yt are wounded.

For the better Incouragement of souldiers to adventure their persons against ye French & Indian enemie:

Bee it enacted, &c., that in case any Person within this Province (being actually in arms by ye command of his officer or as a voluntier) shall be wounded by the French & Indian Enemie, the charg of his care shall be paid out of ye publick Treasury.

GEORGE JAFFREY, Speaker.
in behalfe of ye Council,
WM. REDFORD, Secr'y.

No. 44.

An Act for settling a Ferry between Portsmouth and New Castle.

Whereas, John Partridge has made applic^{n} for Liberty of keeping a Ferry between Portsmouth & New Castle:

Be it enacted, &c., That ye s^{d} John Partridge shall have liberty, and it is hereby granted him, to keepe a Ferry for transportation of passengers between Portsmouth and New Castle, viz., from Portsmouth to ye Island he, ye s^{d} Partridge, now liveth on, and soe to ye Great Island & back again, for which he shall receive of each person backward or forward, five pence; And this liberty to continue to him, ye s^{d} Partridge, his heirs, Execu^{rs} & Administrators, for & during ye space of one & twenty years, & soe much longer as ye s^{d} Partridge shall live; And further to have liberty of selling drink free of Excise, taking license for ye same, and entering into recognizance for keeping good orders, as ye Law directs; — Provided ye said John Partridge doe forthwith provide sufficient Boate or boates, canno or cannoes, for keeping of s^{d} Ferry, and give constant attention upon the same accordingly.

GEORGE JAFFREYS, Speaker.
In behalfe of the council Assembled,
WM. REDFORD, D. Sec.,
JOHN USHER, Lt. Govr.

No. 45.

An Act for continuing the Act of Impost and Excise.

October 5, 1697.

Whereas the late Act for continuing the Act of Impost & Excise untill the fourth day of November, one thousand six hundred ninety seven, is now almost expired:

Bee it therefore enacted, &c., That the s^{d} Act and every part of it be & is hereby Revived & continued in full force and virtue, to all intents and purposes, from and after the forth day of Novemb^{r} next ensuing, until the fifth day of Novem^{br}, One thousand six hundred ninety eight; excepting & making voyde that part or clause in the Act relating to sloops or boats trading along the shore, to be free from paying of powder money, that comes into this Province to traffic, from any port or harbour on this side Connecticut — any thing in the late Act made to the contrary notwithstanding.

No. 46.

An Additional Act concerning Marriages, Births and Burialls.

April 5, 1698.

Whereas, notwithstanding the former Act made for recording Marriages, Births & Burialls, great neglect has been therein:

Be it enacted, &c., that whosoever imediately concerned therein, shall neglect for the future to give notice of such Marriages, Births, & Burialls, to the Clarke of the Towne wher he lives, within one month after such marriages, births and burialls shall happen; he shall pay unto the clarke for his owne use, the sum of two shillings, to be levied by warrants from a Justice of the peace to the constable of the Towne.

No. 47.

An Act for changing the time of holding the Court of Common Pleas.

[That is, instead of "beginning the day after the Quarter Sessions terminate," to "begin upon the Wednesday after the Quarter Sessions begin."]

No. 48.

An Act relating to Constables.

April 5, 1698.

Whereas, by a former Act made, the several Towns in this Province are impowered to make choice of meet persons to serve as Constables, and the person or persons soe chosen refusing to take the oath & serve in said office shall pay a fine of five pounds, but not said in said Act how the fine shall be taken,

Be it enacted, &c., That if any person so chosen &c., shall refuse to take the oath & serve when called thereunto by a Justice of the Peace, the s^d^ Justice is hereby impowered to grant his warrant to the Constable to app'hend the body of such person or persons & convey him to his Maj^tys^ prison in this Province, there to be secured, untill he pay the s^d^ fine of five pounds, and all necessary charge about the same.

No. 49.

An Act for the preservation of highways and for making such other as may be needful.

April 5, 1698.

Bee it enacted, &c., That all high ways throughout this Province be maintained at the same breadth formerly allotted, and if any p'son shall incroach thereon by fencing, laying wood, digging of pitts, or any other accumbrance whatsoever, to the damage or danger of any person, uppon complaint to any Justice or any Justices of the peace in that Towne where any such fact shall be done, the s^d^ Justices is hereby impowered forthwith to send for the person complained of & uppon due proofe to bind him over to the Quarter Sessions, or impose a fine on the delinquent person, according to ye nature of the offence, not exceeding ten shillings, besides all cost,—the one halfe to the informer, the other halfe to the use of the poor of the Towne. And for any highwayes to be layed out, on application made to the Quarter Sessions by the Selectmen of any towne, showing the necessity & conveniences of the same, the Quarter Sessions are hereby impowered to appoint a meet Committee to lay out such highways as may be most convenient & safe for travelers, & to order due sattisfaction to be given by the towne through which such highway lies, to the party thro' whose land such way shall be laid; and if any shall be dissatisfied with the sattisfaction given, upon their address to the Quarter Sessions, the s^d^ Sessions are hereby impowered to have & determine according to Right. And it is hereby further Enacted, that the Selectmen of each towne within this Province are hereby impowered, either by themselves or a Committee appointed by them to lay out particular & private highways, provided due sattisfaction be made to the person through whose Land such highway shall be made; but if the party shall not be sattisfied with what the Selectmen or Committee by them appointed do, he or they have liberty to make their address to the Quarter Sessions, who are hereby impowered to see Justice therein.

No. 50.

An Act for continuing unto his Majesty the several duties of Custom, Excise, Impost and Powder money or Tunnage of shipping.

January 7, 1698–9.

"Be it enacted, &c., by the Hon'ble Samuel Allen, Esq., Governor, Council & Representatives, That from and after this seventh day of Jany one thousand six hundred and ninety eight [nine] untill the fifth day of Novemb^r next ensuing, the sevrall rates and duties sett upon all Wines, Liquors & Merchandizes that shall be imported into this Province, and all duties of Tunnage in and by the said former acts of Impost, Excise, Custom and Tunnage money, bee, and are hereby continued to be paid in and by the s^d Act as directed; That is to say, the duties of Impost, Customs and Excises, to be imployed for the reception of the Earl of Bellmont, & the Tunnage money for supply of his Maj^tys Fort, William & Mary, at New Castle."

No. 51.

An Act Regulating Fees.

April 5, 1698.

Be it enacted, &c., that the establishment of the Fees belonging to the severall Officers, in the Province, be as followeth:

Justices' Fees.

For every Attachm^t or Summons for Actions not exceeding 40s. six pence	0 : 0 : 06
Sub-pena, each witness,	0 : 0 : 02
Entering the action,	0 : 3 : 00
Filing papers, each paper,	0 : 0 : 02
Every warrant for criminals,	0 : 1 : 00
Bond for appeale,	0 : 1 : 00
Copy of evidence,	0 : 0 : 06
Copy of Judgment,	0 : 0 : 06
Every recognizance,	0 : 2 : 00
Conferring Judgment,	0 : 1 : 00
Affidavit out of Court,	0 : 1 : 00
Each day's attendance at the sessions, to be paid out of the fines,	0 : 4 : 00
Acknowledging any Deed or Mortgage or any other instrument,	0 : 2 : 00
Every Execution,	0 : 2 : 00

Coroner's Fees.

For taking any Inquisition to be paid out of ye Estates of the deceased, ...	£0 : 13 : 04
If no Estate, then to be paid out of the public revenue, ...	0 : 6 : 8

Fees for Probate, Granting of Wills, Administration, &c.

For granting Administrat^r Bonde & Letter of Administration und^r the seal of the Office, if the Inventory amount to thirty pounds or upwards, to the Judge four shillings, to the Register three shillings, sixpence, ...	£0 : 7 : 06
If the Inventory be und^r thirty pounds, .	0 : 5 : 00
Probate of Wills where the Inventory amounts to thirty pounds or upwards, to the Judge, .	0 : 3 : 06
Probate of Wills where the Inventory amounts " " to the Register,	0 : 2 : 06
If under thirty pounds, ...	0 : 4 : 00
Recording of Wills or Inventory of one page & filing the same, ...	0 : 2 : 06
If more, each page of twenty eight lines, eight words in a line, ...	0 : 1 : 00
For copy of a Will or Inventory twelve pence per page, each page to contain as afores^d, .	0 : 1 : 00
Allowing acc^ts, settling & dividing of Intestate estates, ...	0 : 5 : 00
Every sitation, ...	0 : 1 : 00
Every Quietus, ...	0 : 4 : 00
Warrant for Apprisem^t, ...	0 : 2 : 00
Making out a Commission for receiving and examiuing claims of creditors to Insolvent estates, & registering the same, ...	0 : 3 : 00
Regestering the Commissioner's Report, after the rate of one shilling per page, to be accomp^t as aforesaid, ...	0 : 1 : 00
For entering an order upon the Administrat^r to pay out of the Estate in proportion unto the the severall credit^rs returned by the Commissioners, ...	0 : 1 : 06

Secretary's Fees.

The engrossing of Acts or Laws of the Gen^{ll} Assembly, one shilling per page, to be paid as afore^{sd}, out of the public revenue, . .	0 : 1 : 00
Every Commission for the Justices of each County & Commission of Oyer & Terminer, ten shillings, to be p^{d} out of the publick revenue, ...	0 : 10 : 00
Every Commission for Military Officers to be pd out of the public revenue, ...	0 : 3 : 00
Special Warrant or Mittemus, by order of the Govern^{r} & Councill, each, ...	0 : 2 : 06
Every Commission under the great seal, for place of profit, ...	0 : 10 : 00
Every Bond, ...	0 : 2 : 00
Every Order of Council to the benefit of any particular persons, ...	0 : 2 : 06
Every petition to the Govern^{r} & Council or Genl Assembly, According to the import, from one shilling to ten shillings A Passe ; or a Seabreife, ...	0 : 3 : 00
A Bill of health, ...	0 : 3 : 00
Every Writt for electing of Assembly men directed to the Sheriffe or Marshall, under the Province seal, five shillings, to be paid out of the public revenue, ...	0 : 5 : 00
In transcribing the Acts or Laws passed by ye Gen^{ll} Assembly into a Book, twelve pence a page, each page to contain twenty eight lines, eight words to a line, & so proportionally, to be paid out of the public revenue.	

In the Superiour Court — The Justices' Fees.

Entry every Action for tryalls, . .	£0 : 12 : 00
Out of which to the Clerk, ...	0 : 2 : 00
Taking every special bayle, . . .	0 : 2 : 00
Allowing of a writ of Error, ...	0 : 3 : 00
Allowing a Habeas Corpus, . . .	0 : 2 : 00
Confesing Judgment, ...	0 : 2 : 00
Acknowledging satisfaction of Judgment on record, ...	0 : 1 : 00
In all criminall cases where a fine is set, .	0 : 6 : 00
Taxing every bill of costs, ...	0 : 1 : 00

Clerk's Fees.

Every writt & the Seal,	0 : 1 : 06
Every rule of cost,	0 : 0 : 06
Fileing every declaration,	0 : 1 : 00
To the jury to be paid down for the Plaintiffe,	0 : 6 : 06
Entring appearance,	0 : 0 : 06
Signing Judgment by defaults,	0 : 1 : 00
Taking every verdict and recording of it,	0 : 1 : 00
Copies of all records, one shilling a page, each containing twenty eight lines, eight words for a line,	0 : 1 : 00
Less than one page,	0 : 1 : 00
Every action withdrawn — non suite,	0 : 1 : 00
Every petition rec^{d},	0 : 1 : 00
Order thereon,	0 : 1 : 00
Fileing the Records of each action, two pence a paper,	0 : 3 : 00
Every Execution,	0 : 2 : 00

In Criminal Cases.

Drawing & Engrossing every Indictment or Information,	0 : 2 : 00
Every appearance,	0 : 0 : 06
For the discharge of any person upon baile for ye peace, good behaviour, contempte and ye like, and warrant thereon,	0 : 1 : 00
In awarding & making forth Process against the defendant on Information,	0 : 1 : 00
Every warrant for ye peace, good behaviour,	0 : 1 : 00

In ye Inferior Court — Justices' Fees.

Entring every action,	0 : 10 : 00
Of which the Clerk is to have,	0 : 2 : 00
Taxing speciall bayle, two shillings, of which the clerk is to have one,	0 : 2 : 00
Confesing of Judgment,	0 : 1 : 00
Acknowledging satisfac^{n} of Judgment on Record,	0 : 1 : 00
Taxing every bill of costs, one shilling, whereof six pence to the Clerk,	0 : 1 : 00

To ye Jury to be paid down by the Plaintiffe — Clerke Fees.

For every writt and seal,	0 : 1 : 00
Entring appearance,	0 : 0 : 06
Entring and recording the Verdict,	0 : 1 : 00
Making up the Records,	0 : 1 : 00
Copies of all Records, each page, as before,	0 : 1 : 00
Every Action withdrawne or non suit,	0 : 1 : 00
Every Execution,	0 : 2 : 00

Clerke of the Sessions or Peace, — his Fees.

Entring Complaint on Indictment,	0 : 2 : 00
Discharge of a Recognizance,	0 : 1 : 00
Making forth process against criminalls,	0 : 1 : 00
Every summons,	0 : 0 : 03
Every warrant for the Peace or good behaviour,	0 : 1 : 00
Every house of Publick entertainment or retailing, whereof two to the clerke,	0 : 5 : 00

Sheriffs', Marshalls' or Constables' Fees.

For serving every summons for tryall,	0 : 1 : 00
Every Capies or Attachment, two shillings, and if above one mile, three per mile, besides,	0 : 2 : 00
Baile bond,	0 : 1 : 00
Serving execution or levying of it, for the first twenty pound or under, one shilling per pound; above that not exceeding fourty four pounds, six pence per pound; above fourty pounds, not exceeding one hundred pounds, three pence per pound; for whatsoever exceeds one hundred pounds, two pence per pound, besides four pence per mile from travailing from home.	
ry tryall one shilling,	0 : 1 : 00
Every precept for choosing Representatives, to be paid out of the public Revenue,	0 : 10 : 00

Cryer's Fees.

For calling the Jury, sixpence,	0 : 0 : 06
Every non-suit, one shilling,	0 : 1 : 00
Every verdict, twelve pence,	0 : 1 : 00

Goaler's Fees.

For turning the key upon every prisoner committed, ...	0 : 5 : 00
Discharge, two shillings six pence, . .	0 : 2 : 06
For dyett for each prisoner, two shillings and six pence per weeke, and so proportionable he finding the same, ...	0 : 2 : 06

And be it further enacted, by the Authority of the same, That what officer soever shall ask, demand and take, any greater or other fees than are before mentioned for the matter afores[d], or any of them, and be thereof duly convicted in any Court of Record within this Province, shall forfeit and pay the sum of ten pounds current money, one moiety whereof to be unto our Soveraigne Lord the King, his heirs and successors, for and towards the support of the government of this his Province, and the contingent charge thereof, and the other moiety to the informer or him that shall sue for the same in any Court of Record; wherein no essoign,* protection or wager of Law, shall be allowed; And shall further pay unto the partie grieved double the value of the excessive fees so taken.

No. 52.

Jurors, &c.

An Act to return able and sufficient Jurors to serve in the several Courts of Justice, and to Regulate the Election of Representatives to serve in the General Assembly within this Province.

[Passed at the Session begun & held at Portsmouth, Aug. 7th, 1699, and copied from the *first printed* Laws of the Province, 1716.]

Be it enacted by his Excellency the Governor, Council, and Representatives, convened in General Assembly, and by Authority of the same, That the Clerks of the several Courts of Justice within this Province, Fifteen days at least before the day limited by Law, for holding such Courts, from time to time, shall make out a Writ of *Venire Facias*, directed unto the Sheriff of the Province, Commanding him in his Majesty's Name to Impannel and Return so many good and lawful men for Grand and Petit Jurors out of the sev-

* Excuse for non-appearance in Court at the time appointed.

eral Towns within this Province, in as near a Proportion as may be according to the number of Inhabitants, each person so returned to have an Estate of Freehold worth *Forty shillings per Annum*, at the least, or *Fifty Pounds* Sterling in Personal Estate. And the Sheriff shall cause each person named in his Pannel to be duely summoned and warned to attend the service of the Court, where the same is returnable. The Grand Jurors for the Quarter Sessions of the Peace, to serve one whole year from the time of their being sworn; And every person Impannell'd and Summoned as aforesaid, to serve as a Juror at any of the said Courts, who shall make default by not appearing or not attending the service required of him, shall lose and forfeit the sum of *Forty shillings*, unless such person make a reasonable excuse for the same to be approv'd and allowed by the Justices of the said Court; The said forfeiture to be unto the use of our Soveraign Lord the King, for and towards the support of the Government, and for answering the Incident Charges thereof, and to be imposed and set by the Justices of the Court where the *Venire* is returnable. And when it shall happen by reason of Challenge, default in appearance or otherwise, there shall not remain a sufficient number to make up a Petit Jury, the Sheriff, by command of the Justices of the Court, shall return so many persons, *de talibus circumstantibus*, as shall be requisite to make up a full Jury. And in Case where the Sheriff shall be a party, or related to either of the Parties, the Jury shall be Impannelled, and return'd by the Coroner, who is also hereby impower'd to serve Writts, in cases where the Sheriff is concerned.

And be it further enacted by the Authority aforesaid, That no person Inhabiting within this Province, other than Freeholders of the value or income of *Forty shillings per Annum* or upwards in Land, or worth *Fifty Pounds* sterling at the least in personal Estate, shall have any vote in the Election of Representatives, or be capable of being Elected to serve in the General Assembly; and the Tryal of such Qualification, as aforesaid, shall be by the last Lists of Rates and Assessments, which the Selectmen of each respective Towne are hereby required to bring with them for that end, upon all days and times appointed for such Election.

And be it further enacted by the Authority aforesaid, That there be a suitable person chosen in each Towne after the same manner used for choice of other officers, to be Town Clerk, to serve in the said office until another be chosen and Sworn in his stead. And every such Town Clerk shall have an Oath Administered unto him, by a Justice of the Peace, well and truly to Execute the said Office and Trust.

No. 53.

Courts of Justice.*

An Act for Establishing Courts of Public Justice within this Province.

Whereas the Orderly Regulation and Establishing of Courts of Justice, as well in respect of time as place, for the holding of the same, doth very much tend to the Honour and dignity of the Crown, and to the ease and benefit of the subjects:

Be it therefore enacted by his Excellency the Governor, Council, and Representatives, convened in General Assembly, and by Authority of the same, That every Justice of the Peace in the same Town where he resides, be, and hereby is fully Authorised and Impowered to Hear, Try and Determine, all Pleas and Actions of Debt and Trespass, where Title of Land is not concerned, arising or happning within this Province, to the value of *Forty shillings*, or under, and to give Judgment therein, and to award Execution there-upon; and either Party aggrieved at the Judgment or Sentence given by any such Justice in Civil Causes, may appeal therefrom unto the next Inferiour Court of Common Pleas; the Party appealing giving Security before such Justice unto the Appellee, in a reasonable sum, to prosecute his Appeal with Effect, and to answer and pay such Cost and Damages as shall be awarded against him, in case the first sentence be affirmed.

And for the better Conservation of the peace & Punishment of offenders,

Be it further enacted, by the Authority aforesaid, That there shall be held and kept by the Justices of the Peace within this Province, or so many of them as shall be limited by the Commission of the Peace to make a *Quorum*,

*Printed in first edition of Province Laws, 1716.

Four Quarterly Courts, or General Sessions of the Peace yearly, at the Town of *Portsmouth*, on the first Tuesdays on the Months of *March*, *June*, *September* and *December*, from time to time; which said Court shall have Cognisance of all matters and things proper to the Jurisdiction of said Court relating to the Conservation of the Peace and Punishment of offenders, according to the law and Statutes in Force within this Province: And the Sessions of the said Court shall hold & continue by the space of Two days and no longer.

And be it further enacted, by the authority aforesaid, That there shall be Held and Kept at *Portsmouth* aforesaid, an Inferiour Court of Common Pleas, by four Justices to be Appointed and Commissionated thereto by the Governor, or in his absence the Commander-in-Chief for the time being, any Three of whom to make a *Quorum*, the said Court to be held and begin at the time and days following: *That is to say*, On Thursday next after the rising of the Court of the Quarter Sessions of the Peace, from time to time, which said Inferiour Court of Common Pleas shall have cognisance of, hear, try and determine all Actions, Matters and Causes tryable at the Common Law, not exceeding the Sum or Value of *Twenty Pounds*, and when Title of Land is not concerned, — and give Judgment therein and award Execution accordingly.

Provided nevertheless, That either Party aggrieved at any Judgment or sentence given in the said Court, may Appeal therefrom unto the next Superiour Court of Judicature: Such Appellant giving sufficient Security in double the Sum or Value recover'd unto the Appellee, before one or more of the Justices of the Inferiour Court, to prosecute his Appeal with Effect, and to answer and pay such Cost and Damages as shall be awarded against him in case the first sentence shall be affirmed.

And further be it enacted, by the Authority aforesaid, That there be Held and Kept at *Portsmouth* aforesaid, and not else-where within this Province, a Superiour Court of Judicature, by one Chief Justice and Three other Justices to be Appointed and Commissionated thereto by the Governor, or in his absence by the Commander in Chief for the time being, any three of whom to make a *Quorum*, on Second Tuesday in *August* and on the Second Tuesday in

February, yearly, from time to time; which said Courts shall have Cognisance of all Pleas and Causes as well Civil (not under the value of *Twenty Pounds*, except where Title of Land is concerned) as criminal, as fully and amply to all intents and purposes whatsoever, as the Courts of King's Bench, Common Pleas & Exchequer within his Majestie's Kingdom of *England* have or ought to have, and are hereby Impowered to give Judgment or Sentence, and award Execution therein; and it shall be in the liberty of any Party, Plaintiff or Defendant aggrieved at any Judgment given in the said Superiour Court, to Appeal there-from unto the Governour and Council: *Provided* the value Appealed for exceed the sum of *one Hundred Pounds* Sterling, and sufficient Security be given, in manner as in and by this Act is before directed, to prosecute the same, and to pay such Costs and Damages as may be awarded in case the first sentence shall be affirmed.

And it is hereby enacted and ordained, That in Civil Causes to be commenced at the said Superiour Court of Judicature, where the Matter in Controversy exceeds the true value and Sum of *Three Hundred Pounds* Sterling, it shall and may be in the liberty of the Party aggrieved to Review the said Cause by a new Process out of the said Court, once and no more; and if either Party shall not rest satisfyed with the Judgment or Sentence of the said Superiour Court, either upon the first Tryal or upon the Review, such Party may Appeal there-from unto his Majesty in Council: *Provided*, the matter in difference exceed the true value and Sum of *Three Hundred Pounds* Sterling, and that Such Appeals be made within Fourteen days after sentence given, and that Security be likewise given by the Appellant, to answer such charges as shall be awarded in case the first sentence shall be confirmed.

And be it further enacted, by the Authority aforesaid, That all Writs and Processes for bringing any Actions or Suits to Tryal, in any of the Courts aforesaid, shall be Summons, Capias or Attachment, and shall issue out of the Clerk's office of the same Court under the Seal thereof, and signed by the Clerk, and shall be directed to the Sheriff, Under Sheriff or Deputy, and executed Fifteen days before the day of the Court's sitting, and to be returned to the Court from whence the same issued. Writs and Pro-

cesses for Tryal before a Justice of the Peace to be granted by such Justice, directed unto a Constable or Constables, and to be executed Seven days before the day appointed for such Tryal and to be return'd to the Justice.

And be it further enacted, That every person Appealing from any Judgment or Sentence given in any of the Courts aforesaid, shall file a Declaration in the Clerk's office of the Court Appealed from, therein briefly assigning the Errors in such Judgment fifteen days at least before the day of the sitting of the Court Appealed unto. And if the Appeal be made from a Sentence or Judgment given by a Justice of the Peace, such Declaration shall be filed with the Justice by the like time.

Be it further enacted, by the Authority aforesaid, That as well the Justices of the Inferiour Court of Common Pleas, as the Justices of the Superiour Court of Judicature respectively, where the Forfeiture or Penalty of any obligation with a Condition under written or a Penalty annexed to any Articles, Agreement, Covenants, Contracts, Charter, Party or other Specialty or Forfeiture of any Estate granted upon Condition, executed by Deed of Mortgage or Bargain and Sale with defeazance, shall be found by Verdict of Jury or by Default or Confession of the obligor, Mortgager or Vender, are hereby Impowered and authorized to Moderate the rigour of the Law. And on consideration of such cases according to Equity and good Conscience to change such Forfeiture and to enter up Judgment for the just Debt and Damages, and to award Execution accordingly; only in real Actions upon Mortgage and Bargain and Sale with defeazance, the Judgment to be Conditional, that the Mortgager or Vender, and his Heirs, Executors or Administrators, to pay unto the Plaintiff such Sum as the Court doth determine to be justly due thereupon, within Two months time after Judgment enter'd up, for discharging of such Mortgage or Sale, and that the Plaintiff recover Possession of the Estate sued for, & Execution to be awarded for the same. And the Justices of the said several Courts, as Superiour, as Inferiour, respectively, shall take the Oath following, to be Administered unto each of them by the Governour, or in his absence by the Commander in Chief for the time being, or on such as shall be by him thereto appointed: *That is to say*,

YOU SWEAR, that well and truly you shall serve our Soveraign Lord the King, and his People, in the Office of the Court of and that you will do equal Law and Execution of Right to all People, Poor and Rich, after the Laws in force within this Province, and usage within the same; and in such cases, as the Law doth specially provide to be relieved in Equity and good conscience, without having regard to any Person whatsoever. *So help you God.*

Any Law, Usage or Custom to the contrary in any wise notwithstanding.

No. 54.

OBSERVATION OR KEEPING THE LORD'S DAY.*

[Passed at Session begun and held at Portsmouth, July 19th, 1700.]

An Act for the better Observation and Keeping the Lord's Day.

Be it enacted & Ordained by the Lieutenant Governour, Council, and Representatives, convened in General Assembly, and it is Enacted by the Authority of the same,—That all and every person or persons whatsoever, shall on that Day carefully apply themselves to Duties of Religion and Piety Publickly and Privately; And that no Tradesman, Artificer, or other person whatsoever, shall upon the Land or Water, do or exercise any labour, business, or work of their ordinary calling; nor use any Game, Sport, Play, or Recreation on the Lord's Day, or any part thereof (works of Necessity and Mercy only excepted,) upon pain that every person so offending shall forfeit *five shillings.*

Further, It is Ordered and Declared, That no Traveller, Drover, Horse-courser, Waggoner, Butcher, Higler, or any their Servants, shall travel on that Day, or any part thereof, Except by some adversity they were belated, and forced to lodge in the Woods, Wilderness, or High-ways the Night before; and in such case to travel no further than the next Inn, or Place of Shelter, on that day, upon the penalty of *Twenty shillings.*

Further, It is Ordered, That no Vintner, Inn-Holder or other person, keeping any Publick house of Entertainment, shall entertain or suffer any of the Inhabitants of the respective Towns where they dwell, or others not being strangers, or Lodgers in such Houses, to abide or remain in their Houses, Yards, Orchards, or Fields, Drinking or

*Printed in first edition of Province Laws, 1716.

Idly spending their time on Saturday Night after the Sun is sett, or on the Lord's Day, or the Evening following, upon the pain and penalty of *Five shillings*, for every person, payable by themselves respectively, that shall be found so drinking, or abiding in any such House, or dependencies thereof, as aforesaid; and the like Sum of *Five shillings* to be paid by the Keepers of such Houses, for every person entertained by them.

And for the better Execution of all and every the foregoing Orders: Every Justice of the Peace within this Province shall have power and authority to Convict before him any person or persons, who shall offend in any of the particulars before mentioned; and upon his own view or other Legal conviction of any such offence, to impose the fine and penalty for the same; and to restrain and commit the Offender, until it be satisfied; or to cause the same to be levied by distress and sale of the Offender's goods, returning the overplus, if any be: And in case any such Offender be unable or refuse to satisfy such fine, to cause him to be put in the cage or set in the stocks, not exceeding Three Hours. All fines and penalties Accruing by this Act to be to the benefit and relief of the Poor of such Town where the offence is committed, and delivered into the hands of the Select-men or Overseers of the poor, for that end.

And all Masters and Governours of Families are hereby required to take effectual care that their children, servants and others under their immediate government do not transgress in any of the foregoing particulars.

And all and every Justices of the Peace, Constables, and Select-men are required to take effectual care, and endeavour that this Act in all the particulars thereof be duly observed: As also to restrain all persons from Swimming in the Water unnecessarily; And unseasonable Walking in Streets, or Fields, in any part of this Province; Keeping open their Shops or following their secular Occasions, or Recreations in the Evening preceding the Lord's Day, or any part of the said Day, or Evening following.

And all persons are strictly required to be obedient to, and aiding and assisting such Justices, Constables, and other Officers herein, as they will Answer the contrary at their peril.

No. 55.

AN ACT AGAINST ADULTERY AYD POLYGAMY.*

[Passed June Session, 1701.]

Whereas the Violation of the Marriage Covenant is highly provoking to God, and destructive to Families,

Be it therefore Enacted, &c., That if any Man be found in Bed with another Man's Wife, the Man and Woman so offending, being thereof convicted, shall be severely whipped, not exceeding Thirty stripes; unless it appear upon Tryal, that One Party was surprised, and did not consent, which shall abate the punishment as to such Party.

And if any Man shall commit Adultery, the Man and Woman that shall be convicted of such Crime before his Majesty's Justices of the Superiour Court of Judicature, shall be set upon the gallows by the space of an Hour, with a Rope about their Necks, and the other end cast over the gallows; and in the way from thence to the Common Goal shall be severely whipped, not exceeding Forty stripes each; Also every person and persons so offending shall forever after wear a Capital Letter A of two inches long and proportionable in bigness cut out in Cloth of a contrary colour to their cloathes, and sewed upon their upper Garments, on the outside of their Arm, or on their back in open view. And if any person or persons having been convicted and sentenced for such offence, shall at any time be found without their Letter so worn, during their abode in this Province, they shall by Warrant from a Justice of the Peace, be forth with apprehended, and Ordered to be Publickly Whipped, not exceeding Fifteen stripes, and so from time to time, *toties quoties*.

And be it further enacted, That if any person or persons within this His Majestie's Province, being Married, or which hereafter shall marry, do at any time after the day of the date hereof, presume to marry any person or persons, the former Husband or Wife being Alive, or shall continue to Live so married; that then every such offence shall be Felony; and the person or persons so offending shall suffer Death, as in cases of Felony.

And be it further enacted and declared, That if any married person, Man or Woman, hath lately, or hereafter shall go to sea, in any Ship or other Vessel bound from one port to another, where the passage is usually made in Three Months

* Printed in first edition of Province Laws, 1716.

time; and such ship or vessel hath not been or shall not be heard of within the space of Three full years next after their putting to sea from such Port; or shall only be heard of under such circumstances as may rather confirm the Opinion commonly received of the whole Companie's being utterly lost; in every such case, the matter being laid before the Governor and Council and made to appear, the Man or Woman whose relation is in this manner parted from him or her, may be esteemed single and unmarried; and upon such declaration thereof, and License obtained from that Board, may lawfully Marry again; Any Law, Usage or Custom to the contrary notwithstanding.

No. 56.

AN ACT AGAINST TRESPASSING IN TOWN COMMONS.

Complaint being made to the General Assembly, by several persons within this Province, that ill-disposed persons do presume to Fence in some of their principal Commons and Feeding Land belonging to their several Towns, without having any grant or leave from the Town for the same, which is a great disturbance to the Peace of his Majestie's Subjects, and tends to the great detriment of the Inhabitants of the Towns where such Lands do belong, if not timely prevented:

Be it therefore enacted, &c., That whosoever shall presume to Fence or Build upon any Town Common Land, without first obtaining a Grant or Lease from the Town for the same, shall pay a fine of *Five Pounds* to his Majesty, His Heirs, and successors, for and towards the support of this his Government; and *Twenty Shillings* Monthly to the Selectmen of the Town where such Trespass is committed, for the use of the Poor of the Town, for so long as the Trespasser shall continue his said Fence or Building on the Common Land, after Convictment.

No. 57.

Province New Hampshire.

An Act to prevent Contentyon & Controversy that maye arise Concerninge the Bounds of the Respective Towns within this Province.

[SEAL.] Bee it Enacted by the Left^{nt} Govern^{r}, Counsell & Representatives convened in Gene^{ll} Assembly, and by the Authority of the same; that the Line betweene the Provinces and the Massathusetts Bay and New Hampshire from the Sea Westwardly, shall be the Southerly Bound of the town of Hampton; and the Northerly Bounds as following, viz: five miles Dew North from Hampton Meeting hous to a Marked Tree at or Near Winnicutt River, & thence Westwardly on a Directe Line to a marked tree within two miles of Exeter Meeting House, and thence on a Directe Line to a Marked tree near Ass brooke by the High waye, and thence on a Directe Line to an old bound Tree Marked, a Mile and a halfe South from Exeter falls, and thence upon a Weste and by South Line as far as the utmoste Extent of Salesbury town Bounds Westwardly, and thence to Run a hed Line Southerly till it meet wth the aforesaid Bound Line between the Province of the Massathusetts and New-Hampshire; the Bound by the Sea Eastward from Hampton Meeting house to begin from the Causewaye and thence to Run five Miles along shore by the High Waye, wch is supposed to end about Josling Necke, and thence on a Directe Line Westwardly to the Bound tree, five Miles North of Hampton Meeting house.

Exeter Bound Eastwardly, to begin at the mouth of Lamperill River, and thence on a Directe Line over the Great Baye to a Marked tree at Wales' Cove, & thence to Run South & by Este to Hampton Bounds, and Thence by Hampton Bounds to the South bound tree a mile and a halfe South of Exeter falls, and thence to Run on a Weste and by North line tenn Miles into the Woods; and from the mouth of Lamperill River aforesaid, up said River to the falls whereon was formerly a saw mill, comonly called Wadlones upper mill; & thence Weste & by North into the Woods four miles, & thence to Run a hed Line Southerly to meet wth the Hed of the Southward bound Line, Reserving to the Town of Dover the Hoole prevelidge of the said Lamperill River, Streme and falls for the Erectinge Mills

Dames, &c., on either side the River, without Annoyance from the Towne of Exeter, and that no Interuption be given by any to prevent the transportation of Timber Downe the River to the Lower falls, By making booms or otherways.

Dover Bound Northerly Begins at ye middle of Quamphegan falls, and so up the River four miles or thereabouts to a Marked tree by the River side within a mile of whitehall, and from the said Quamphegan falls Downe the River to Hilton's Poynt, and from thence to Cannyes Crike, & thence on a Directe Line to Hoogstie Cove* with the Mashes on the Grete Baye, and foure Hundred Acres of Upland Adjoyninge thereto as formerly laid out, and from Hoogstie Cove over to Lamperill River mouth, and so up the River to the Uper falls, whereon was formerly a sawmill commonly called Wadlones Upper Mill, and thence West and by North in to the Woods two miles, and Thence to run a hed northerly to meete wth the Hed of the Northward Bound Line on Newichwanake River, allways Reservinge unto the towne of Dover the whole prevelidge of the said Lamperell River, Streme and falls for the Erectinge Mills, Dames, &c., on either side ye River w^thout anoyance from the towne of Exeter, and that no Interuption be given by Any to p'vent the transportation of Timber Downe the River to the Lower falls, by making Booms or otherwaies.

Portsm^o is Bounded by the Sea and the River, and Butts on all the other three townes, before mentyoned. New Castle and Kingstown to be Bounded According to their Charters, *Provided* Kingston Do not Entrench upon Exeter Bounds.

And whareas Sundry Lands, sutch as the Lands of Swampscutt and those Lands between Hampton and the Massuthusetts bounds, are now settled w^thin the Bounds of our townes aforesaid, which ware not formerly, So all Persons having Righte, title or Intereste in and to the said Lands, are hereby preserved in their said Rights and Properties as fully and ampply as before the settlement.

12th Septem^r, 1701. This Bill was red three times & Passed by ye Counsell to be Enacted and sent down to ye House of Representatives for concurrence.

Charles Story, Secretary.

* A place where swine were driven from Exeter, every Spring. See Vol. I., Prov. Rec., pp. 139, 142.—Ed.

Eodem die. Passed by the Assembly, whoo desires this bill may be Enacted: The Liften^{t} Govern^{r} consenting thereto.

Sam^{ll} Penhallow, Speaker.

By the L^{t}. Govern^{r}: I assente to the Enacting this Bill.
WM. PARTRIDGE, Lef^{t} Govr^{r}.

No. 58.

Province of New Hampshire.

An Act for the Confermatyon of Town Grants.

[SEAL.] Bee it Enacted by the Leften^{t} Govern^{r}, Councill and Representatives Convened in Gen^{ll} Assembly, and by the Authoritye of the Same, that all Grants of Lands that have bin Heretofore made unto any Person or Persons, by the Inhabitants of the Respective Townes wthin this Province, or by the Selectmen or a Committee in Eatch Respective town, shall be Accompted and Held to be good and vallied unto the several Grantees, there Heirs, Exec^{rs}, and Assignes forever, Any Law, usage or Custom to ye contrary Notwithstanding.

12th Septem^{r}, 1701. This Bill was Red three times and Paste by ye Councill to be Enacted, and sent downe to the House of Representatives for concurrence.

Charles Story, Secretary.

Eodem die. Pass^{d} By the Assembly, hoo desiers this bill may be Enacted, the Lef^{t} Govern^{r} consenting thereto.

Saml Penhallow, Speaker.

By the Lif^{t} Govern: I assent to the Enactinge this Bill.
WM. PARTRIDGE, Lt. Govern^{r}.

NOTE by the Editor. The two foregoing Acts were disallowed by his Majesty. See *Farm. Belk.*, p. 158.

[P. 97.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} on Friday, the 17th of July, 1702, Ante meredíem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r} and Commander, &c.,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes,	Esqrs.	Nathl Weare,	Esqrs.
Nathl Fryer,		Saml Penhallow,	
Peter Coffin,		John Plaisted,	

Henry Dow, Esq.

Richard Jose, Esq., High Sheriffe of said Province, was sent by his Excellency as a message to the House of Representatives to acquaint them that his Excellency ordered them to choose a speaker, the late speaker of said House being removed up to this Board, by order of the Queen's Majesty.

The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinks,	Esqrs.	Nathaniel Weare,	Esqrs.
Nathl Fryer,		Samuel Penhallow,	
Peter Coffin,		John Plaisted,	

took the oath of privy Councillors.

Mr. Nathl Hill and Wm Cotton, members of the House of Representatives, brought up to this Board the election and choice of the speaker, in hæc verba:

In obedience to his Excellency's order, Capt. John Pickering was chosen speaker of the House of Representatives, by order of the House.

THEODORE ATTKINSON, Clerk.

The petition of several inhabitants of Hampton was read at this Board, relating to their paying Rates to this Govern^{t} and the Massachusetts, praying relief therein.

[P. 98.] Ordered, that a copy of said petition be sent, attested by the Secretary, to the Secretary of Boston, for his Excellency to consider of these; and in the mean time

the Constables of Hampton to be wrote to by the Secretary to make no distress upon said inhabitants, his Excellency declaring he will also order the same to be done at Salisbury when he arrives at Boston.

A message was sent down to the House of Representatives to order the Speaker to come up with the whole House to this Board, who accordingly came.

And his Excellency was pleased to make a speech to them.*

A Dedimus Potestatem was granted by his Excellency to John Hinks and Samuel Penhallow, Esqs., in order to give the oaths to Sam[l] Keais, W[m] Cotton and Francis Page, new members of the Assembly, instead of the oaths of Allegiance and Supremacy; which was accordingly done.

Ordered, that half a barrel of powder be taken out of the Queen's stores and sent to Mr. James Blagdon, of the Isle of Shoals, for her Majesty's service.

Adj[d] till 10 o'clock tomorrow morning.

[P. 99.] Province of New Hampshire.

At a Council and Gen[ll] Assembly held at Portsm[o], by adj[t], on Saturday, the 18th of July, 1702, ante merediem,

Present,

His Excellency Joseph Dudly, Esq., Govern[r], &c.,

The Hon[ble] W[m] Partridge, Esq., L[t] Govern[r],

John Hinkes,	Esqrs.	Nath[l] Weare,	Esqrs.
Robert Ellott,		Sam[l] Penhallow,	
Peter Coffin,		Henry Dow,	

Mr. Secretary Story was sent by his Excellency as a message to the House of Representatives to acquaint the Speaker and the rest of the House that had not taken the oaths to her Majesty, as by law is appointed, to come up to this Board to take the same. Accordingly these persons following came, viz:

* This speech not found on record.—Ed.

John Pickering, Speaker,
John Woodman,
John Tuck,
Joseph Swett,
James Randle,
James Davis,
Nathaniel Hill,
Moses Levitt, and
Theophilus Dudley, who took the oaths appointed, instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Test and Association, &c.

Adj^{d} till three o'clock, afternoon.

[P. 100.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o}, by adj^{t}, on Saturday, the 18th of July, 1702, Post merediem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes,	Esqrs.	Nathl. Weare,	Esqrs.
Robert Ellott,		Saml Penhallow,	
Peter Coffin,		John Plaisted,	

Richard Jose, Esq., High Sheriffe of Said Province, was sent down to the Speaker of the House of Representatives to order Theodore Attkinson, one of the members of the said House, to come up to this Board to take the oaths instead of the oaths of Allegiance and Supremacy; who accordingly came and took the same, and Repeated and Subscribed the Test and Association.

Robert Ellott, Esq., took the oath of a privy Councillor.

Mr. Nathaniel Hill, one of the members of the House of Representatives, brought up to this Board the foll. votes, as upon file:

That there be an address of condolence and congratulation to her Majesty.

That there be an address of Thanks to the Queen for the settlement of this government.

That a Bill be drawn up to have the Powder money paid in specie.

That there be a Present to the Govern^{r}, and money raised to make good the former votes and disbursement; — in all, five hundred pounds, and bill drawn up accordingly.

[P. 101.] That there be an address to the Govern^{r}, by the Council and Assembly, to represent the matter of Timber to her maj'sty, so as that an Act may be properly made there upon.

That a Committee of both Houses be immediately chosen to draw up the bills afore mentioned.

Which several votes were read at this Board and consented to by the Council.

Another vote was sent up from the House of Representatives, as foll: —

That Capt. John Pickering and Mr. Saml Keais, be of the Committee to join with two of the Council Board to draw up sundry votes passed this present day into Acts, by order of the Assembly.

The Council have appointed Sam^{ll} Penhallow and John Plaisted, Esqrs., to be of the committee to join with Capt. John Pickering and Mr. Samuel Keais, to draw up said Acts, and that they have liberty to send for whom they please, to assist them therein.

Adj^{d} till Monday, 12 of the clock at noon.

[P. 102.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adj^{t}, at Portsm^{o}, the 20th July, Ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes,	Esqrs.	Saml Penhallow,	Esqrs.
Nathl Fryer,		John Plaisted,	
Peter Coffin,		Henry Dow,	

The petition of John Jackson, Robert Almery and Joseph Jackson, was read at this Board, and upon file.

Order upon it, that the fees having been settled many years past, that the same continue to be collected and received as usual.

The petition of Shadrach Walton was read at this Board, relating to 25^{lb}: 4^{s}: 2^{d}: due to him from the Province, as Capt. of the Fort, &c., from the 23^{d} September, 1698, to the 23^{d} August, 1699.

In answer to which petition, the petition^{r} having showed in Council a receipt and discharge under the hand of the late Lieut. Govern^{r} Usher, for his publick receipts of money in full of all demands,

Ordered, that the demand of 25^{lb}: 4^{s}: 2^{d} be allowed out of the Public Revenue, and to have a warr^{t} for his paym^{t} out of the next taxes raised for the payment of the Province Debts — and that the said Receipt be put upon Record, and the Original receipt to be delivered into the hands of the Secretary.

Adj^{d} till 4 o'clock, Afternoon.

[P. 103.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsmouth by adj^{t}, on monday, the 20th July, 1702, Post meredicm.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes, Nathl Fryer, Peter Coffin, } Esqrs. Saml Penhallow, John Plaisted, Henry Dow, } Esqrs.

Mary Foulsham's petition was read at this Board, relating to her being released out of Prison, being in for Debt, and a very poor woman, — as upon file.

In answer to which petition his Excellency and Council doth order that the Secretary write to the Creditor or his Attorney, who keeps the petitioner in goal, that if they do not take care to find out the petitioner's estate, whereby he may satisfy his Debt by laying his execution thereupon in twenty days time at farthest, that then the said Creditor shall allow said petitioner 2^{s} : 6^{d} per week, for every week afterwards that she shall be kept in goal at his suit, or otherwise the petitioner to be discharged.

Adj^{d} till nine o'clock to-morrow morning.

[P. 104.] Province of New Hampshire.

At a Council and Genl Assembly held by adj^{t} at Portsm^{o}, on Tuesday, the 21st of July, 1702, Ante meridiem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes, Nathl Fryer, Robert Ellott, } Esqrs. Peter Coffin, John Gerrish, Saml Penhallow, } Esqrs.
John Plaisted, Henry Dow, Esqrs.

An address to her Majesty, relating to consolation and

congratulation, &c., was signed by his Excellency Governor, &c., Council and Representatives, as upon file.

Another ditto to her Majesty, relating to the settlement of this her majesty's Province, in making and constituting his Excellency Joseph Dudley, Esq.

Another ditto, signed by the Lt Governor, Council and Representatives, to his Excellency Joseph Dudley, Esq., as upon file.*

The several bills following, having been read three times and passed both Houses, were consented to by his Excellency to be enacted: viz.,

An Act about powder.

An Act for a tax or Assessment of 500lbs.

The petition of Joseph Palmer was read, relating to have a hearing of his cause, as upon file, between him and one Redman.

Ordered, that a copy be given of [P. 105] the petition to the Attorney for Redman, in order to show cause why the said Palmer shall not have a rehearing.

John Gerrish, Esq., took the oaths appointed, instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Test and Association, and took the oath of a privy councillor.

Adjd till 3 in the afternoon.

* The several Addresses above referred to cannot now be found.—Ed.

[P. 105.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Tuesday, the 21st July, 1702, post meredicm.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},
The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Nathl Fryer, Robert Ellott, } Esqs.
Saml Penhallow, John Plaisted, Henry Dow, } Esqs.

Peter Coffin, Esq.

Vote sent up from the House of Representatives that an Act be passed that a tax be raised on all sorts of goods and merchandise, and all manner of lumber that shall be transported out of or Imported into this Province, to continue till the last of July, 1703, was read and upon file.

THEODORE ATKINSON, Clerk.

[P. 106.] Ordered, that the Lieut. Govern^{r} and Samuel Penhallow, Esqs., join with two of the members of the House of Representatives, as a Committee to draw up a bill according to said vote.

Vote sent up by the House of Representatives that an Act be passed that the Treasurer take only six pence in the pound, and no more, for receiving and paying out of all such public money payable to such Treasurer.

The Council do consider that for the receipt of the five hundred pounds tax, laid this session, and for what shall be received upon the Act of Impost and Tonnage for this year, the Treasurer take no more than nine pence in the pound.

This consideration of the Council was sent down to the House of Representatives, who past the same.

Doctor Richard Mills, a poor, sick, and decrepid person, made application to this Board that about two years ago, when he left this country, he left in the hands of one Elizabeth

Redford, widow, to the value of 100^{lbs}, and cannot obtain the same again; she denying the matter, and therefore craves to sue as Informa Pauperis in any her Majesty's Courts of Records in ye Province for that sum, or what else he shall see meet.

Ordered, that he have liberty to sue accordingly in any of her Majesty's Courts of Records in this Province, and that the Judges in the court where he intends to sue assign him his Attorney, and that no fees be taken by any person or officer for the same; but that his cause may proceed to a final end as an *Informa Pauperis*.

[P. 107.] The bill for Impost and Tonnage having been read three times and past both Houses, were consented to by his Excellency to be enacted.

Adj^{d} the Assembly till Tuesday, the 18th of Aug^{t},

And the Council till 8 o'clock to morrow, in the afternoon.

[P. 107.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Tuesday, the 18th day of August, 1702.

Present,

The Honble Wm Partridge, Esq., Lieut Govern^{r},
George Jeffrey, Esq., Saml Penhallow, Esq.,
Henry Dow, Esq.

His Hon^{r} the Lieut. Govern^{r} was pleased to suspend George Jeffrey, Esq., from sitting, voting, or assisting in this Council.

Mr. Jeffrey desired of his Hon^{r} to know the reason. His Honor answered he would give the Queen an acc^{tt} of the reasons for his so doing.

Mr. Charles Story, Secretary, was sent by the Lieut. Govern^{r} to call the House of Representatives up to this Board, who accordingly came, and there not being a full

Council, His Honor the Lieut. Govern^{r} was pleased to adjourn the Assembly till Tuesday, the eighth day of September, 1702.

[P. 108.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Tuesday, the 8th of Sep^{br}, 1702, Post meredicm.

Present,

The Honble Wm Partridge, Esq., Lt Govern^{r},

John Hinkes, Saml Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

There not being a full Council, the Honble Lieut. Govern^{r} was pleased to adjourn the Council till tomorrow morning, eight of the clock, and that the Secretary acquaint the Assembly of the same.

[P. 109.] Province of New Hampshire.

At a Council and Gener^{ll} Assembly held at Portsm^{o} by adj^{t} on Wednesday, the 9th of September, 1702.

Present,

The Honble Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes, Robert Ellott, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Henry Dow, Esq.

Vote relating to 200^{lbs} to be taken out of 250^{lbs} for the Agent, &c., mentioned in an Act for a tax or assessment of 500^{lbs}, was read at this Board, allowed and approved of. Vote upon file.

Whereas, there is a War declared by the Queen of England, &c., against France and Spain, wherefore Orders have been sent throughout this Province for watching and warding, but no Instructions having yet been sent how the

watchers shall proceed in case of any persons walking at unseasonable hours in the night, and are bid to stand three several times and refuse to do the same:

Ordered, that from and after the 17th day of this instant month of Sepbr, it shall be in the power of all private sentinels of all watches and in all garrisons within this Province, after such watches shall be sett, to command all persons whatsoever that shall pass along or approach near said watches or garrisons to stand, three several times; and if such person or persons who shall pass along or approach near such watches or garrisons, and shall refuse to stand, being commanded three several times so to do, as aforesaid, that then the said private sentinels and watches may and are hereby impowered to fire upon such person or persons so refusing to stand, as [P. 110.] above mentioned. But all private sentinels and watches are to take notice that they be very careful in observing to call three several times to such persons passing along before they fire upon them.

The petition of James Phillipps, a soldier at her Majesty's fort, Wm and Mary, relating to money due to him, for his salary or wages as a soldier, was read at this Board and referred till next Council day.

Henry Dow, Esq., was sent as a message to call the House of Representatives to this Board, who accordingly came, and His Honr the Lieut. Governr was pleased to dissolve the Assembly in these words:

By the advice of her Majesty's Council, I do dissolve this Assembly, and accordingly you are dissolved.

So far sent to England, the 24th 7ber, 1702.

[P. 111.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} on Tuesday, the 12th of January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
Wm Partridge, Esq., Lieut. Govern^{r},

Peter Coffin, } Esqs. Saml Penhallow, } Esqs.
Robert Elliott, } Henry Dow, }

Assembly men's names.

[Not recorded.]

Richard Jose, Esq., high Sheriffe of said Province was sent as a messenger to the House of Representatives to inquire if they were a full House, and if so then to order them to choose their Speaker and return his name to this Board.

Mr. John Dennitt brought to this Board a vote of the choice of Daniell Tilton for Speaker of the House of Representatives.

Ordered, that Peter Coffin, Samuel Penhallow and Henry Dow, Esqs., or any two of them, be a committee to join with the committee of the House of Representatives to take into consideration the building of a fort at New Castle, according to the purport of a Letter from the Honble the Lords Com^{rs} of Trade and Plantations, and [P. 112.] his Excellency's speech thereupon, and to make report, and that this committee sit to-morrow morning by nine of the clock.

A Petition of Joseph Palmer, a prisoner, upon execution at the suit of one Redman, praying a review in that case before the Govern^{r} and Council, for which the Govern^{r} declared his opinion that it was the Subject's Right, and he was ready to hear it, but it went upon vote and passed in the negative.

Adj^{d} till 11 o'clock, to-morrow morning.

No meeting of both Houses.

[P. 112.] Province of New Hampshire.

At a Council and Gen^ll Assembly, held at Portsm^o by adj^t, on Thursday, the 14th January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^r, &c.,
The Honble Wm Partridge, Esq., Lt Govern^r, &c.,
Peter Coffin, Samuel Penhallow, } Esqrs. Henry Dow, Esq.

Mr. Speaker of the House of Representatives delivered to this Board a vote of the House in these words, foll.:

This House humbly pray that they have the perusal of the Treasurer's account; by order of the Assembly.

SAML. THING, Clerk.

[P. 113.] Mr. Treasurer being ordered thereupon presented his account to this Board, which was read in Council* and sent by the Secretary to the House of Representatives.

Adj^d till to-morrow morning 10 of the clock.

* Copy of the Treasur's d d. to the Govr., Council and Assembly, the 14th January, 1702-3, being an estimate of the Province Debts.

[Copied from the original on File.]

Province of New Hampshire.	Dr. £ s. d.
1701. To money paid the Lieut. Govr., pr order,	16:15:06
To money paid Mr. Secretary, pr order,	60:00:00
To money paid John Hinkes, Esq., for himselfe and soldiers pr order,	137:17:05
To money allowed the Treasur., being for soe much advanod.,	104:12:00
To money paid Sir Henry Ashurst, Agent of this Province, pr order,	100:00:06
To money paid the Lieut. Govr., being part of the disbursement, pr order,	100:00:00
1702. To money advanced for the Agency in Engld.,	300:00:00
To sundry small payments pr order, as appears in a list hereunto annexed,	109:10:01
To money pr order of Council for supply of our Agent,	200:00:00
To money to Mr. Secretary pr order of Council,	66:00:00
To the passage sea store for the agent,	27:09:00
To cash expended at the arrival of his Excellency the Honble. Joseph Dudley, Esq., with the Council and Assembly,	770:08:00
To money paid his Excellency Joseph Dudley, Esq., pr order of Assembly,	250:00:00
To money paid the Lieut. Govr., being soe much paid Capt. Horne, pr order,	20:00:00

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o} by adj^{t} on Friday, the 15th of January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
Wm Partridge, Esq., Lieut. Govern^{r},

Robert Elliot, } Esqrs. Saml Penhallow, } Esqrs.
Peter Coffin, } Henry Dow, }

Mr. Secretary Story was sent to the House of Representatives with a message referring to the fortification on Great Island, and copy of the Governor's speech thereupon.

Mr. David Lerrence,† one of the House of Representatives, brought up a vote in answer to the vote above mentioned, as on file.

His Excellency the Governor was pleased to send the High Sheriffe on a message to the House of Representatives,

To John Hinkes, Esq., for himselfe and souldiers at the Fort, pr order,	78:00:00
To Mrs. Atkin for rent of her house, ...	05:00:00
	1,652:03:06
To Commission of £1,568:10:10s.:00, at 5d per cent., ...	78:08:06
	1,730:12:00

Pr. Contra.

		Cr. lb. s. d.
1701.	June 30th By a tax of	300:00:00
	Decr. 31st, By a ditto of	550:00:00
1702.	Augt. 15th, By a ditto of	500:00:00
	By Excise, about	70:00:00
	By Exportation of lumber and Importation of sundry goods according to a late Law, Augt. last, abt }	140:00:00
	By a seizure on Rumm & wine, ...	8:10:00
		1,568:10:00
	Due to ball.	162:02:00

Errs. Excepted. pr, SAMLL. PENHALLOW,
January 14th, 1702-3. Treasurer.

January 14th. Read in Council & ordered to be sent down to the Representatives.
CHA. STORY, Secretary.

January 14th. Vera Copia compared with the original,
pr. CHA. STORY, Secretary.

† Lawrence.

commanding them to attend this Board for conference with them, relating to the fortification at Great Island.

Adj^{d} till 9 o'clock to-morrow morning.

[P. 114.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adj^{t}, on Saturday, the 16th January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
Wm Partridge, Esq., Lieut. Govern^{r},

Robert Ellott, } Esqrs. Saml Penhallow, } Esqrs.
Peter Coffin, } Henry Dow, }

Mr. James Leach, one of the House of Representatives, brought up a vote relating to the fortification at Great Island, as upon file, which his Excellency and Council agreed to.

Ordered, that Mr. Treasurer do, with all possible expedition, let to farm the Duty of excise of this Province for the year ensuing, &c.

A vote about reviewing the Act of Impost, &c., was brought up from the House of Representatives, — as on file.

Council adj^{d} till next Tuesday, 11 o'clock, forenoon.

[P. 115.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o} by adj^{t} on Tuesday, the 19th January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,
Wm Partridge, Esq., Lieut. Govern^{r},

Robert Elliot, } Esqrs. Henry Dow, Esq.
Saml Penhallow, }

Vote was sent from the House of Representatives, that a committee be chosen in each Town to take the estate of each Town, for the proportioning of Rates, &c., — as upon file.

The several Bills following, having been read three times and past both Houses, were consented to by his Excellency to be enacted, &c.

A Bill for a Tax or assessment of 500 lbs.

A Bill for continuing several Rates and Duties of custom, excise, Impost and Powder money or Tonnage of shipping.

Adj^{d} till to-morrow 10 o'clock.

The petition of John Campbell, for an encouragement of maintaining the post-office betwixt Boston and this place, was read at this Board; and it was ordered that a committee of both Houses be appointed to consider of the same; and there was appointed two out of this House, viz., John Plaisted and Henry Dow, Esqrs., and then His Excellency sent Mr. Secretary Story to the House of Representatives with the said petition.

[P. 116.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held at Portsm^{o}, by adj^{t}, on Wednesday, the 20th of January, 1702.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},
The Honble Wm Partridge, Esq., Lieut. Govern^{r},
Peter Coffin, Robert Elliot, } Esqrs. Saml Penhallow, Henry Dow, } Esqrs.

A further motion upon hearing the petition of Joseph Palmer, for a rehearing of a cause tried before the Honble the Lieut. Govern^{r} and Council in May last, between said petitioner and John Redman: It appearing to this Board that that trial was had since his Excellency the Govern^{r} was sworn before her Majesty in Council, and the Execution for the charges thereupon served since the Governor's Arrival in this Province; a rehearing is granted to the said Palmer thereupon, he first discharging or securing to

said Redman, satisfaction for the charges he now lies in Prison for.

Upon Mr. Elliot's setting forth upon his application to this Board, that there was fifty shillings due in exporting of Boards out of this River in the ship Fellowship, Joshua Fryer M^er^, which was Bona fide put on board before the Act of Impost or Duty was made:

Ordered, that the Treasurer take notice that the said duty of fifty shillings is discharged, and that he do not demand the same; first having an order from the Secretary, accordingly.

[P. 117.] The petition of John Partridge was read, relating to money he laid out for subsistance and support of wounded soldiers, and sent to the House of Representatives.

A vote was brought down from the House of Representatives relating to John Partridge's petition, that the said petition and their vote may be laid before the next General Assembly of the Massachusetts, &c.

Consented to by the Council.

His Excellency with the advice of the Council, prorogued the Assembly till Thursday, the 11th day of March next.

Province of New Hampshire.

At a Council and Gen^ll^ Assembly held by adjournment at Portsm^o^, by prorogation, on Tuesday, the 13th April, 1703.

Present,

The Honble Wm Partridge, Esq., Lieut. Govern^r^,

Peter Coffin, John Plaisted, } Esqrs. Henry Dow, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives to call them to this Board, who accordingly came, and his Honor was pleased to dissolve them in these words:

Gentlemen, I dissolve this Assembly and accordingly you are dissolved.

2d July, 1703. So far sent by the post to his Excellency, in order for England.

[P. 118.] Province of New Hampshire.

At a Council and Genll Assembly held at Portsmo on Wednesday, the 23d June, 1703.

Present,

The Honble Wm Partridge, Esq., Lt Governr,
Henry Dow, Esq.

Henry Dow, Esq., and Mr. Secretary Story, by virtue of a dedimus Potestatem to them directed, gave the oaths appointed by law to nine of the members of the Assembly, viz:

John Pickerin,	Sam Leavitt,
Wm Furber,	Garshon Elkins,
Thomas Roby,	Wm Wallas,
Wm Cotton,	Saml Thing, and

Samll Shaw.

His Honor the Lieut. Governr was pleased to send Mr. Secretary to call up the House of Representatives to this Board; who accordingly came, and his said Honor adjourned them till monday next, twelve of the clock, by reason there was not a full Council.

[P. 119.] Province of New Hampshire.

At a Council and Genll Assembly held at Portsmo, 27th June, 1703.

Present,

The Honble Wm Partridge, Esq., Lieut. Governr,
Robert Elliot, Esq., Henry Dow, Esq.

Henry Dow, Esq., and Mr. Secretary Story, by virtue of a Dedimus Potestatem to them directed, gave the oaths

appointed by law to three of the members of the House of Representatives, viz., Theodore Attkinson, Esq., Mr. Nathaniel Hill, and Capt. John Woodman.

There not being a full Council, the Honourable the Lieut. Governor was pleased to send Mr. Secretary to the House of Representatives, to acquaint them that he adjourned that House till Wednesday next, ten of the clock in the forenoon.

Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsmouth, by adj^{t}, on Wednesday, the 30th of June, ante merediem.

Present,

The Honble Wm Partridge, Esq., Lieut. Governor,

Peter Coffin, } Esqrs.
Robert Elliott, }

John Plaisted, Esq.

There not being a full Council, the Honorable the Lieut. Governor was pleased to send Mr. Secretary Story to the House of Representatives, to acquaint them that he adj^{d} that House till tomorrow morning, ten of the clock.

[P. 120.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly held at Portsm^{o}, by adj^{t}, first day of July, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

The Honorable Wm Partridge, Esq., Lieut. Govern^{r},

John Plaisted, } Esqrs.
Henry Dow, }

Robt. Elliot, } Esqrs.
Peter Coffin, }

Mr. Secretary Story was sent as a message to the House of Representatives to desire them to choose their Speaker, and after they had so done, the whole House to come up to his B ɔ ard and present their Speaker.

The whole House accordingly came up and nominated Captain John Pickerin as their Speaker, who was allowed of.

Adj^{d} till tomorrow morning, 9 oclock.

[P. 121.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Friday, the second day of July, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,
The Honorable Wm Partridge, Esq., Lieut. Governor,

John Hinkes,	Esqrs.	John Plaisted,	Esqrs.
Robert Elliot,		Henry Dow,	
Peter Coffin,			

The petition of John Campbell for an encouragement of maintaining the post office betwixt Boston and this place, was read at this Board; and it was ordered that a committee of both Houses be appointed to consider of the same; and there was appointed two out of the House, viz., John Plaisted and Henry Dow, Esqrs., and then his Excellency sent Mr. Secretary Story to the House of Representatives with the said petition.

Mr. Nathaniel Hill, one of the Members of the House of Representatives, brought up the said petition to this Board, with a vote that they had appointed —— Roby and Mr. Wm. Cotton as a committee of that House to join with the Committee nominated by this Board, to consider of the said petition.

Mr. George Vaughan, one of the members of the House of Representatives, took the oaths appointed by law, instead of the oaths of Allegiance and supremacy.

The petition of Francis Jennings was read at this Board, and the same was referred to the consideration of the Justices of her Majesty's superior court, as upon file.

[P. 122.] Province of New Hampshire.

At a Council and General Assembly, held at Portsm° on Saturday, the 3d day of July, 1703.

Present,

His Excellency, Joseph Dudley, Esq., Governor, &c.,
The Honorable Wm Partridge, Esq., Lieut. Governor,

John Hinks,	Esqs.	John Plaisted,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Elliott,		Henry Dow,	

A vote was brought up by one of the members of the House of Representatives in the foll. words, as upon file:

In answer to his Excellency Joseph Dudley, Governor and Commander in Chief in and over her Majesty's Province of New Hampshire, his speech to the Assembly, setting forth the state and condition the Province, in order to raising money for defraying the charges and supporting of the government,—In answer thereto the assembly humbly offers the continuance of the former tax this last year set on all lumber, goods, wines, Rumm, &c., for one year next coming from the end of the last Act; and pray that a Committee of both Houses be appointed to draw up said Act, and that some addition be made and added on Rumm and other things not mentioned in said last Act, and that all Masters be upon oath to how many thousand they transport every time they go out of the River, and that the receiver be upon oath to the truth and entry of every such master and vessel, of their quantity of all such lumber Exported, and all goods Imported.

Read at the Council Board, and consented thereto, and voted Samuel Penhallow and John Plaisted, Esqs., as a committee to join with some of the members of the House of Representatives, to draw a Bill according to said vote, and then sent the vote down to said House, who immediately sent [P. 123.] the same up again, with a vote that

they had made choice of George Vaughan, Esq., and Mr. Samuel Thing, to join with the Committee of this Board in drawing up a Bill according to the said vote.

Cha: Story, Secretary.

The following bill having been read a third time, and passed both Houses to be enacted, was consented to by his Excellency, and by him signed accordingly:

A Bill for continuing of several Rates and duties of Impost, Tonnage, &c.

Upon a vote and message of the Representatives, It was agreed in Council that there be two hundred pounds paid out of the Revenue of Impost to the Governor's orders, severally in full, for the charges and expences of the two treaties with the Indians in July, 1702, and June, 1703, and provision for the Gentlemen of the Council, and Gentlemen, soldiers, servants and Horses employed therein, the whole Assembly being desirous to show their duty to support the Governor.

Adj^{d} till Thursday, the 2^{d} Sept., 1703.

27th August, 1703. So far gone to England.

[P. 124.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t} on Thursday, the 2^{d} September, 1703.

Present,

The Honorable Wm Partridge, Esq., Lieut. Govern^{r},

John Hinkes, Henry Dow, } Esqs. Samuel Penhallow, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives by the Honorable the Lieut. Governor, to acquaint them that for want of a full Council he adjourned that House till tomorrow morning, nine of the clock.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t} on Friday, the third day of September, 1703.

Present,

The Honorable Wm Partridge, Esq., Lt Governor,

John Hinkes, Robert Elliot, } Esqs. Peter Coffin, Saml Penhallow, } Esqs.

Henry Dow, Esq.

A letter from her majesty Queen Anne, dated at Saint James, the twentieth of April, 1703, relating to the settlement of a salary for the Governor and Lieut. Governor of this Province, was read at this Board, the House of Representatives being present, and is as followeth, viz:

ANNE R.

[P. 125.] *Trusty and well beloved, we greet you well:*

Whereas several inconveniences have arisen to our Government in the Plantations, by Gifts, presents, and temporary salaries made or assigned to our Governors by the General Assemblies: in order to the preventing whereof it is necessary that constant and fixt salaries be appointed and settled for the support of the respective Governors of our said Plantations; And whereas there has been hitherto no provisions made for the support of our Governor and Lieut. Governor of our Province of New Hampshire, we do hereby signify to you our Royal will and pleasure, that at the first meeting of the Assembly after the receipt hereof, you do acquaint them with our expectation that in regard of our receiving our good subjects of that Province under our immediate protection and Government, they do forthwith settle a constant and fixt allowance on you our Governor, and our Governor and Lieutenant Governor of our said Province for the time being, and that the same be done without limitation of time:

And upon the settlement of such a constant and fixt allowance for the support of you, our Governor, and of the Governor and Lieut. Governor for the time being, We are hereby pleased to direct that neither you, our Governor, nor any Governor, Lieutenant Governor, Commander in Chief, or President of the Council of our said Province for the time being, do give your or their consent to the passing any Law or Act for any Gift or present to

be made to you or them by the Assembly, And that neither you nor they do receive any gift or present from the Assembly, or other, on any account, or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from that our Governments.

[P. 126.] And we do further direct and require that this Declaration of our Royal Will and pleasure be communicated to the Assembly at their first meeting after your receipt hereof, and entered in the Registers of our Council and Assembly, that all persons whom it may concern may govern themselves accordingly. So we bid you farewell. Given at our Court at Saint James, the 20th day of April, 1703, in the second year of our Reign,

By her Majesty's Command.

NOTTINGHAM.

A letter from the Lords Commissioners of Council of Trade and Plantations, dated Whitehall, April the 20th, 1703, relating to the undue proceedings of the Courts of Justice in the Plantations, was read at this Board, and upon file.

A vote was sent down to the House of Representatives, nominating Robert Elliot and Henry Dow, Esqs., to join with two of the House of Representatives to examine into the Treasurer's account, and make report to this Board at the next sitting of the Assembly, Committee to sit next Wednesday.

The Honorable the Lt Governor, having moved to this Board to know whether the sixty men under command of Captain James Davis, being out on scouting at the head of our Rivers, should continue or be disbanded,

Ordered, that the said Capt. Davis disband said soldiers, and that the Honorable the Lieut. Governor issue forth his order to said Davis accordingly.

[P. 127.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth on Saturday, the fourth day of September, 1703.

Present,

The Honorable Wm Partridge, Esq., Lieut. Govern^r,

Peter Coffin, } Esqs. Robert Elliot, } Esqs.

Saml Penhallow, } Esqs. John Plaisted, } Esqs.

Henry Dow, Esq.

Mr. Story was sent as a message to the House of Representatives with a vote relating to the impressing of eighteen men, to make up the number twenty men at her majesty's fort, as also for the impressing of sixty men to secure the frontiers, &c.

Patience Atkins' debenture being read at this Board, amounting to two pounds, for half a year's Rent, from May 16th, 1702, to the 17th November, 1702, for the Assembly and Council's sitting, allowed and approved of, and ordered to be paid out of the next Province Rate.

Mr. George Vaughan, one of the House of Representatives, brought up a vote as foll., viz:

Voted, that the Lieut. Governor be and is desired to order such a number of men as he thinks convenient, to scout at the head of the frontier Towns, or other service, for fourteen days' time, in such manner as he thinks most convenient for safety, either by parcells or in a body, and that each man find himself provisions, Arms and ammunition from their first going forth till their return.

Passed by the House of Representatives.

Theodore Atkinson, Clerk.

Read at this Board and consented to by the Council.

Cha. Story, Secretary.

[P. 128.] The House of Representatives sent up the following words, in writing:

May it please your Honors, whereas her majesty's Letter of the 20th of April, 1703, was presented, which we have

been considering of and still lies under consideration, are not at present able to give our answer, but shall with all possible speed.

By order of the House,

Theodore Attkinson, Clerk.

Mr. Secretary Story was sent as a message to the House of Representatives to call them up to this Board, who accordingly came, and his Honor the Lieut. Governor prorogued the said Assembly till Tuesday, the 21st instant, at ten of the clock, forenoon.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmo, on Friday, the 24th September, 1703, by Proclamation.

Present,

The Honorable Wm Partridge, Esq., Lieut. Governr, Samuel Penhallo, Esq., Henry Dow, Esq.

There not being a full Council, his Honor, the Lieut. Governor, sent Mr. Secretary Story as a message to the House of Representatives, to acquaint them that he adjourned that House till Tuesday, the 28th of September, instant, at ten of the clock, ante merediem.

Adj. accordingly.

[P. 129.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, by adjt, on Tuesday, the 28th of September, 1703.

Present,

His Excellency, Joseph Dudley, Esq., Governor, &c.,

John Hinkes, Robert Elliott, } Esqs. Peter Coffin, Saml Penhallow, } Esqs.

His Excellency sent a message for the House of Representatives to come up to this Board, who accordingly came,

and his Excellency was pleased to acquaint them of the Just and necessary war, and that care should be taken the people may not be oppressed in their service against the enemy.

That Colonel Romer was at the fort ready to repaire the same, having men sufficient sent thither to attend his orders, and that the species raised towards the payment should be immediately converted into money to the best advantage.

That the Treasurer's accounts be speedily adjusted in order to be sent to England to the Lords Commissioners of Trade and plantations, &c.

That they would consider of her majesty's most gracious Letter, referring to salaries for the Governor and Lieutenant Governor.

That her Majesty had been graciously pleased to send this Province fifty barrels of powder, stores, guns, &c.

Adj^{d} till three o'clock, post meredicm. Met and adj^{d} till to-morrow morning, ten of the clock, ante meredicm.

[P. 130.] Province of New Hampshire.

At a Council and General Assembly, held at Portsm^{o}, by adj^{t}, on Wednesday, the 29th September, 1703.

Present.

His Excellency, Joseph Dudley, Esq., Governor, &c.,
The Honble Wm Partridge, Esq., Lt. Govern^{r},
Robert Elliott, Nathl Weare, } Esqs. Saml Penhallow, Esq.

The Governor was pleased to inform this Board that by Letters lately received from the Right Honorable, the Lords Commissioners of Trade and Plantations, he had received their commands that no infringement be made upon the former orders referring to the dimension of timber, sawed for the service of the Crown, but that the Sur-

veyors severally do strictly pursue their instructions in that matter, and that the Secretary give notice hereof accordingly.

The Council being sensible that the 500lbs raised for the fortifying the fort at New Castle, being paid into the Treasury in corn and grain of all sorts, at High Prices, if kept for sale, will prove great Loss to the Province,

Ordered, that the Treasurer have the same at his own disposal, and to his proper use, he paying the full value of four hundred and fifty pounds, according to the orders of Colonel Romer, or this Board, in such species, provisions, materials and payments for the fortifying of her majesty's said fort at New Castle, at money price, or pay for the same where they shall be bought.

Adjd till Friday morning, 10 o'clock.

[P. 131.] Province of New Hampshire.

At a Council and General Assembly held at Portsmo, by adjt, on Friday, the first day of October, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	Peter Coffin,	Esqrs.
Robert Elliott,		Saml Penhallow,	
Nathl Weare,		Henry Dow,	

Ordered, that Samuel Penhallow, Esq., Treasurer, have warrants signed for the payment of four pounds, one shilling and five pence, and four pounds six shillings, for entertaining the Judge Advocate and the king's Messenger, and that the Secretary issue forth said warrants accordingly.

Adjd till 3 o'clock, post meredicm.

Province of New Hampshire.

At a Council and General Assembly held at Portsm°, by adj^t, on Friday, the 1st October, 1703, post meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	Nathl Weare,	Esqrs.
Peter Coffin,		Henry Dow,	
Robert Elliott,		Saml Penhallow,	

A vote was sent down to the Representatives for the encouragement of the Postmaster General, in Boston.

[P. 132.] Ordered, that all payments out of the Treasury from time to time, be made orderly according to the Dates of the warrant severally; except in special cases where the warrant shall direct the immediate payment.

The Treasurer having this day past all his accounts for four years last past, being the whole time of his Treasureship, it being observed that the orders of Council for payment of forty-one pounds, ten shillings and two pence, unto several soldiers, and the payment of one hundred and twenty-eight pounds, nineteen shillings and six pence, for building the prison, and the payment of fifty-three pounds, one shilling, for paying and receiving, with other trouble and charge, are wanting,

Ordered, that the Treasurer have warrants granted by the Secretary for his vouchers.

Ordered, that for the future all wages that shall accrew due to the Captain and soldiers at the fort W^m and Mary, be paid to the Captain for the time being; and he to give a receipt for the same to the Treasurer, and the said Captain to pay the soldiers.

Upon an adjustment of the account of the fort W^m and Mary, between Mr. Treasurer and the Captain of the said fort, there appear to be due to the Captain of the said fort, for himself and soldiers there, to the seventeenth day of

May last past, including all former orders, thirty pounds, seven shillings and four pence.

Ordered, that the Treasurer pay the same forthwith to Captain John Hinkes.

Adj^{d} till ten o'clock, tomorrow morning.

[P. 133.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Saturday, the 2^{d} October, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	Nathl Weare,	Esqrs.
Robert Elliott,		Henry Dow,	
Peter Coffin,		Saml Penhallow,	

Ordered, that Richard Waldron, Esq., and Mr. George Jeffrey, inspect the Treasurer's accounts and make report to this Board of the balance of said account, to the last day of July, 1703.

Capt. Tuttle's debenter having been read at this Board, as upon file, allowed him two pounds, eighteen shillings for scouting, and ten shillings for himself, the whole amounting to three pounds, eight shillings, and ordered to be paid out of the next Province Rate.

Ordered, that the Treasurer find Provisions according to law for the three French prisoners, and also blankets for them to lie upon.

[P. 134.] Province of New Hampshire.

At a Council and General Assembly held at Portsm°, on Wednesday, the 6th October, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes, Peter Coffin, } Esqrs. Robert Elliott, Saml Penhallow, } Esqrs.

Henry Dow, Esq.

The petition of William Bevis, Commander of the ship Peace, relating to abatement of powder money, was read at this Board, and ordered that he have his clearing to the fort, paying 26^lbs of powder.

Thomas Packer's debenter, amounting to ten pounds, ten shillings, was read, and allowed nine pounds six shillings in full thereof, to be paid in course by the Province, for entertaining Major General Povey.*

Mr. Robert Elliott's debenter amounts to twelve pounds, seven shillings, six pence, was allowed and ordered to be paid in course accordingly.

The Treasurer's several accounts for the four years last past, ending the last day of July, 1703, having been severally perused by the Council and Representatives, is allowed in Council, and balance of thirty pounds, twelve shillings, six pence due to him from the Province thereupon, and to have vouches accordingly for the several articles to pass his accounts with the Auditor.

The following vote was sent up by the House of Representatives, viz:

*"Majr. Genll. Povey's Bill for Diet and Lodging, Augt. ye 13th, 1703, Due to Thomas Packer."

13 Aug., 1703, Maj. Genll. Povy,	Dr. £ s. d.
To 1 pt. wine, egs & bacon,	00: 01: 06
14, to breakfast, 4d., 1 pt. wine, 10d., 5 meales,	00: 10: 00
To Madara, 2s., Grean * wine, 2s. 6d.,	90: 04: 06

*The above, "Grean," evidently denotes a particular kind or quality of wine, but what kind is unknown to the Ed.

Province of New Hampshire.

The Representatives in General Assembly convened, having had consideration of his Majesty's gracious letter of the [P. 135.] 20th April, 1703, communicated to them by his Excellency the Governor, wherein the Assembly of this Province is commanded to take care forthwith to settle a stated salary for the Governor, &c.,

Voted and unanimously agreed, that there be paid to his Excellency Joseph Dudley, Esq., our present Governor, a salary, yearly, during the time of his government over this Province, and not otherwise,—the year to begin from the first day of November next ensuing, and to be paid one hundred and sixty pounds (as aforesaid) out of the impost or other public taxes raised in this Province, and that the Treasurer or Receiver shall have but six pence in the pound for receiving and paying the same.

By order of the House of Representatives.

THEODORE ATTKINSON, Clerk.

6th October, 1703: read at this Board; the Council unanimously consents to this vote relating to the Governor's

15, to breakfast 4d., to 5 meales, 10s., 2 qts Grean wine, 3s. 4d.,	00: 13: 06
to 1 qt. Grean, 1 qt. madara,	00: 02: 10
16, to breakfast, ½pt. wine, 5d., to 6 meales, 12s.,	00: 12: 09
to madara and Grean wine,	00: 03: 08
17, to breakfast, 4d., to 5 meales,	00: 10: 04
to 2 qts of Grean wine,	00: 03: 04
18, to breakft., 4d., to 3 meales, 10s., Grean wine, 2 qts., 3s. 4d.,	00: 09: 06
19, to break., 4 meales, 8s., 3 qts. Grean wine, 5s.,	00: 13: 04
21, to meales, 4s., 1 qt. wine, 1s. 8d.,	00: 05: 08
22, to breakft., 3 meales, 6s., 1 qt. wine, 13s. 8d.,	00: 08: 00
23, to 3 meales, 6s., 3 pt. wine, 2s. 6d.,	00: 09: 01
24, to break., 3 meales, 6s., 3 pt. wine, 2s. 6d.,	00: 09: 01
25, to break., 4 meales, 8s., 2 qts G. wine, 1 pt. mada.,	00: 12: 06
27, to breakf., 4 meales, 8s., 1 botll wine,	00: 10: 00
To your man's diet,	00: 12: 00
To your chambr, 6s., yr man's lodging, 2s,	00: 06: 00
To keeping yr hors 36 dales & nights,	01: 16: 00
To keeping your man's hors 14 dales & nights,	00: 14: 00
	£10: 10: 01

Allowed nine pounds and six shillings in full of this Acctt. to bee payd in cours by the Province.

salary; but the Council see not meet to alter the Treasurer's fees.

Cha. Story, Secretary.

Vote sent up by the Representatives to this Board, relating to the Regulating of several officers' fees, of entering and clearing of vessels, as upon file, was read.

Mr. Samuel Penhallow's debenter, Am° to 29lbs: 6s: 7d, was read, allowed and ordered to be paid accordingly.

Mr. Samuel Penhallow's Acct relating to Powder was read, allowed and approved of, as upon file.

An Act relating to the inhabitants of the Province doing military service in equal proportions, and for raising money for a stock of provisions to be in each town, ready for such soldiers as shall march forth against the enemy, being three times read at this Board [P. 136.] and past the House of Representatives to be enacted, was assented to by his Excellency.

Adjd till the second Tuesday, November next.

Province of New Hampshire.

At a Council and General Assembly, held by adjt on Tuesday, the 9th of Novber, 1703.

Present,

The Honorable John Usher, Esq., Lieut. Governor,

Robert Elliott, Peter Coffin, } Esqs. George Jeffrey, Henry Dow, } Esqs.

The petition of Capt. Robert Eason was read at this Board, commander of the ship Thennett, built in the river of Piscataqua, setting forth the said ship's being in the Queen's service, and have so been ever since she was built, in fetching masts, yards, Bowsprits, &c., out of this river for her Maj'ty's navy.

Prays that he may therefore be considered in being abated towards paying the duty and imposition laid upon all vessels paying powder, in specie going out of this River, &c.

His Honor the Lieut. Governor was pleased to send for the House of Representatives to come to this Board, who accordingly came, and his said Honor was pleased to prorogue them in these words foll. viz.:

Having received a Letter from his Excellency Joseph Dudley, Esq., Commander in Chief and Governor of this her Majesty's Province, signifying his desire to prorogue you, gentlemen of the Assembly, for another month, designing to see you: I do therefore, by virtue of the Queen's commission, prorogue you, the Assembly of this Province, for one month, and in her Majesty's name you are prorogued.

[P. 137.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by prorogation, on Tuesday, the 7th day of December, 1703.

Present,

John Usher, Esq., Lieut. Governor,

Robert Elliott,	Esqs.	George Jeffrey,	Esqs.
Peter Coffin,		John Plaisted,	
Sam[l] Penhallow,		Henry Dow,	

Mr. Secretary Story was sent as a Message to call the House of Representatives to this Board, who accordingly came. His Honor the L[t] Governor was pleased to make a speech to them as foll:

[P. 138.] A copy of which speech being desired by the House of Representatives, was accordingly granted and sent down to the House by Secretary Story.*

The petition of Capt. Robert Eason was read at this Board, relating to have some some small abatement of paying powder duty, &c.

A Letter from his Excellency Joseph Dudley, Esq., Governor, &c., was read at this Board, directed to Colonel

* This speech not to be found.

Romer, and dated at Roxbury, 22d Novber, 1703, setting forth that he desired Col. Romer to see the Lieut. Governor in Council at his coming away, and acquaint them what was done at the fort, and what was a doing, and prayed that the order may be sacred, the money for the fort untouched, but by said Col. Romer's orders or warrant, &c.

Col. Romer appearing at this Board, made the following speech, viz.:

May it please your Honors,—I was ordered by his Excellency Joseph Dudley, Esq., Governor, &c., for to repair the fort Wm and Mary, so that it might be secured as a defense from any surprise, and that the Province of New Hampshire to that end had allowed 500lbs in money and 500lbs in labor, and that they had made some progress in it; but that the severity of the winter had obliged them to leave off. And whereas the 500lbs in money, raised by the Assembly, was delivered in all sorts of Provisions to the Treasurer, according to the Act made for that end, but said provisions not being to be sold for the prices mentioned in said Act, but much lower, according to market price; there was given to the Treasurer, by order of the Council, 50lb abatement, so that there remained in the Treasurer's hand but 450lbs; that the 500lbs in labor would soon consume the 450lbs, and that they had already consumed upwards of 26lbs, and had not done full eight pounds' worth of work, which said Col. Romer desired this Honorable Board to take into serious consideration.

[P. 139.] 2dly. Col. Romer acquainted this Board that it was customary in all parts of the world, as Germany, Denmark, Sweedland, Brandenburg, &c., that when the Country or General Court to their Prince or King did give or allow any sum of money for labor, that then the subjects did take provisions along with them for eight or ten days, according to the distance of their habitations; and then it would be reckoned as money; but it cannot here be reckoned so, because if this daily labor so proceed, it will soon consume the 450lbs. Therefore by consequence this Honorable Board may Judge that it is impossible to make a magazine for powder, and lodgings for 50 or 60 men, which I desire this Honorable Board also to consider seriously of.

3dly. Col. Romer further declared at this Board, that he had a year ago demonstrated to the Duke of Malbrough, the state and condition of this Province, and that it was impossible for them to make these fortifications, which his late Maj'ty was pleased to

order should be made; and that he requested the Duke of Malbrough to take it into his serious consideration.

And further said that it was now in due season and time that this Province should implore the Queen for her assistance; and requested that this Board desire his Excellency the Governor, and the Honorable the Lt Governor, for their concurrence in this matter.

And then Col. Romer took his leave of this Board, in order to depart next day for Boston.

Mr. George Jeffrey's acc^{tts} as Treasurer from June, 1695, to Sep^{br}, 1696, Am^{o} to 925^{lb} : 14^{s} : 7^{d}, and rest due to said Jeffrey, to balance 22 : 03 : 11, was read at this Board, and he produced his vouchers and receipts for all payments therein mentioned; which was approved and allowed of by this Board.

Adj^{d} till to̊ morrow morning, 10 of the clock.

[P. 140.] Province of New Hampshire.

At a Council and General Assembly, held by adj^{t} on Wednesday, the 8th Xber, 1703.

Present,

The Honble John Usher, Lt Governor,

Robert Elliott, Peter Coffin, } Esqrs. George Jaffrey, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

An estimate of the Province Debts, am^{o} to 450 lbs., was sent from this Board to the House of Representatives.

Mr. Joseph Smith, formerly Treasurer of this Province, brought in his acc^{tts} to this Board from 29th Sep^{br}, 1696, to the 23^{d} Jan^{r}, 1696-7, and from 9th January, 1698-9, to Augt 7, 1699, and produced his vouchers and receipts for all payments; and swore to the truth of his acc^{tts}, which was allowed and approved of.

Mr. Nathl Hill brought up to this Board from the House

of Representatives an answer to the Lt Governor's speech as foll., viz.: —

To the Honorable John Usher, Lieut. Governor of her Majesty's Province of New Hampshire, the answer of the Representatives to the speech your Honor was pleased yesterday to make to the Assembly.

As to her most sacred Maj'ty that now Rightfully sits upon the Throne, we have had so ample a character from his Excellency, the Governor, that we account it the greatest happiness of the age we live in to be under the influence and government of so great, good and glorious a Queen; and shall constantly pray that her Maj'ty's Reign over us may be long and prosperous, resolving in all things to behave ourselves as becomes dutiful and loyal subjects.

As to the frontier garrisons, we believe they may be in some danger, but we are not capable of sustaining the charge of supplying all with soldiers; besides the committee of Militia in the several towns are impowered by law to look after and order those affairs.

[P. 141.] As to her Maj'ty's fort on Great Island, His Excellency the Governor, seeing the condition thereof, did move the late Assembly to take care that it might be made more defensible, who accordingly advanced 500 lbs. for that end; and as to men, we suppose the present season of the year will in some measure supply that want, there being on Great Island only the fort to do duty, and are humbly of opinion that the inhabitants on said Island may be sufficient to supply said fort with men for watching and warding, and not be burthened near so much as other places in this Province is; and for the want of powder, our agent, Major Wm Vaughan, was instructed to address her Maj'ty on our behalf for a supply, from whom we have yet had no perfect account of that matter.

As to the Treasurer's acc^ts, we had them lately laid before us by order of his Excellency, and have continued an Act for laying a Duty on lumber, &c., for another year; which we hope by the year's end will pay our Debts, and answer the necessary charges arising the mean time. And lastly, as to addressing her Maj'ty for a company of soldiers, &c., for the fort, we say, his Excellency the Governor, having been lately among us, and well acquainting himself with the state of the Province, fort, and all things concerning the same, we have prayed His Excellency to represent our state and wants at large: And pray her Maj'ty's

favorable relief, which we presume is already done, or will be done by these ships: so need not give your Hon^{r} any further trouble therein; but always acknowledge your Hon^{rs} favor and kindness, wherein you are disposed to promote the good and welfare of this her Maj'ty's Province.

December 8th, 1703.

Passed by the House of Representatives.

Saml. Thing, Cl.

His Hon^{r} the Lt Governor required at this Board an acc^{tt} of what Major Vaughan, the agent for this Province, had done for this Province in England, relating to their addressing her Maj'ty for a supply of powder, &c.

This Board declared they have no acc^{tt} from said Major Vaughan relating thereto.

[P. 142.] Ordered that Wednesday, the 29th instant, be set apart as a Thanksgiving day, &c., throughout this Province, for all mercies daily received, &c.; and that Mr. Samuel Penhallow, Mr. Nathaniel Rogers, minister, and Mr. Secretary Story, draw up proclamations accordingly.

Adj^{d} till to-morrow morning 10 of the clock.

Province of New Hampshire.

At a Council and General Assembly held at Portsm^{o} by adj^{t} on Thursday, the 9th day of December, 1703.

Present,

The Honble John Usher, Esq., Lieut. Governor,

Peter Coffin, George Jeffrey, } Esqrs. Saml Penhallow, Henry Dow, } Esqrs.

John Plaisted, Esq.

Mr. Nathl Hill brought up the petition of Capt. Robert Eason to this Board from the House of Representatives, with a vote that he pay two barrels of powder for this voyage.

Consented to by the Council, and ordered that the Secretary make out an order to the Treasurer accordingly.

Mr. Secretary Story was sent as a message by the Lt Governor to the House of Representatives, in order to deliver in writing to that Board these foll. words, viz.:

Pursuant to her Maj'ty's instructions, whereas there is no power given in her Maj'ty's commission to execute martial law in time of peace, upon soldiers in pay by her Majesty; I therefore recommend to you, the Assembly, (that if not already done) you prepare such Act or Law for the preserving of good discipline amongst soldiers that the same may be sent home to her Majesty.

JOHN USHER, Lt Governor.

[P. 143.] It appearing in the Treasurer's acc^ts in the year 1701, that he paid Lieut. Governor Partridge, per order, being voted as part of his disbursement for said Province, 100 lbs., Mr. Secretary Story was sent down to the House of Representatives to know whether they have a particular account of Mr. Partridge's disbursement am^o to the said 100 lbs.

The House of Representatives say they have no acc^ts of Mr. Partridge's disbursements about the 100 lbs., &c.

Ordered, that Henry Dow, George Jeffrey and Joseph Smith, Esqrs., formerly Treasurers in this Province, be allowed five pounds per cent. for paying and receiving, having produced their acc^ts at this Board, and fairly discharged themselves of their payments by sufficient vouches and receipts, having not formerly taken out their warrants from the Governor or Lieut. Governor for payment of said five pounds per cent.

Adj^d till two of the clock post Meredicm, to-morrow.

[P. 144.] Province of New Hampshire.

At a Council and Gen^{ll} Assembly, held by adjourn^{t} on Friday, the 10th Xber, 1703.

Present,

George Jeffrey, Henry Dow, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

The House of Representatives sent up to this Board a vote in answer to what the Honorable the Lt. Governor sent down to that house in writing, intimating to them to prepare an Act or Law for the punishing of mutiny, desertion and false musters, relating to soldiers in pay by her Majesty (vote as foll.), viz:

Voted, the Assembly are humbly of opinion that the military laws of the Province are full and sufficient to punish offenders, according to the discretion of the Committee of militia.

Past by the House of Representatives.

Saml Thing, Clerk.

Mr. Henry Dow, formerly Treasurer of this Province, brought in his acc^{ts} to this Board as Treasurer, from the 16th May, 1694 to the 16th May, 1695, am^{o} to 785^{lbs}: 7^{s}: 8^{d}, and balance due from him to her Majesty, 1^{lb}: 9^{s}: 11^{d}, and produced sufficient vouches for all payments, &c., and gave his oath to said account; was then allowed and approved of.

Adj^{d} till to-morrow morning, 9 o'clock.

[P. 145.] Province of New Hampshire.

At a Council and General Assembly, held at Portsm^{o}, by adj^{t}, on Saturday, the 11th December, 1703.

Present,

The Honorable John Usher, Esq., Lieut. Governor,

Robert Elliott, George Jeffrey, Saml Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

Mr. Secretary Story was sent to the House of Represen-

tatives to ask of them if they had anything to offer to this Board, who answered they had nothing.

Mr. Secretary Story was sent as a messenger to call the House of Representatives to this Board, who accordingly came, and his Hon^{r} the Lieut. Governor was pleased to declare unto them as foll., viz:

Gentlemen,—

In my speech laid before you the true state of the Province and the condition of her Majesty's fort, recommending to your care the raising of money for securities and defense thereof: in your answer thereto are pleased to intimate there are acts for duties laid which you judge will pay the Debts and answer the necessary charge.

Those Acts are given for other ends and uses. Judge will not answer those ends for which it's made and the money raised by those acts must only be applied to the ends for which it's granted.

You likewise say the laws of the place have made provisions for security of the Province, and his Excellency hath represented the state thereof home.

I laid before you the Province was in Debt above 450^{lb}, and daily charges doth arise; that there was absolute need of soldiers at her Majesty's fort and some of the frontier Garrisons; if either suffer by want of supplies I have quitted myself.

His Excellency having given notice that the several Treasurers' accounts, from the year 1694, be prepared to be sent to [P. 146.] England; The several accounts from 1694 to January, 1696, by the several Treasurers, hath been laid before the Council with their vouches and receipts, and how and to what end the revenues hath been applied.

There hath been in Major Vaughan and his successor's time paid to Wm Partridge, Esq., 867^{lbs}: 2^{s}: 6^{d}, for which there is no acc^{tt} of particulars of disbursement, and that ought not to be allowed.

As to the 300^{lbs} paid, your agent do find that he has not given any account either to the Council or Assembly of any proceedings of his in England for account of the public.

I have not only been informed of the condition of the Province, but have visited it and seen the condition thereof, and I doubt not but the Governor hath truly represented the same, and I shall by these masts ships second it likewise to her majesty.

In the mean time shall take care of her majesty's fort as shall think proper.

Gentlemen, you are dissolved, and in her Majesty's name do dissolve you.

So far gone for England. Xber, 1703.

[P. 147.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth on Tuesday, the 8th February, 1703.

Present,

John Hinkes, Esq., President,

George Jeffrey, Samuel Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

Assembly men's names.

Hampton.	Portsm°.
Mr. Tho. Roby,	Capt. Jno. Pickerin,
Mr. Gershom Elkins,	Capt. Mark Hunkin,
Mr. Sam[l] Shaw.	Mr. Sam[l] Keais.
Exeter.	**Dover.**
Mr. Samuel Levett,	Capt. Jno. Woodman,
Mr. Samuel Thing.	L[t] W[m] Furber,
	L[t] Nath[l] Hill.

Newcastle.

Mr. Wm. Wallis,

Mr. Wm. Seavy.

The above said persons being of the House of Representatives took the oaths appointed by law instead of the oaths of allegiance and supremacy, and subscribed and declared the test and Declaration, and then were ordered to choose their speaker and present his name to this Board; and so departed.

The whole House of Representatives came to this Board and presented Captain John Pickerin as their Speaker.

This Board thought fit to accept of Capt. John Pickerin, Speaker of the House of Representatives, and desired the said Representatives to consider of the state of the Prov-

ince, and what other business they had to go upon to prepare and make ready the same, to present to his Excellency, Joseph Dudley, Esq., our Governor, who would be with them in two days.

Adj^{d} till 10 o'clock next Thursday, ante merediem.

[P. 148.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, by Adj^{t}, on Thursday, 10th of February, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,
The Honble the Lieut. Governor, not as a member, &c.,
Peter Coffin, George Jeffrey, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.
Henry Dow.

The House of Representatives being sent for came up to this Board, and his Excellency made the following speech:

Gentlemen:—

The public service has brought me hither, and I was not willing to be in the Province without seeing an Assembly, that I might offer you what I Judge necessary for her Majesty's service, and the good of the Province, and might receive from you the present state of your affairs.

I am glad that notwithstanding the trouble with the Indians, no part of this Province has had any impression from their barbarous hands; and I am the more sensible of the Gentlemen's service that have assisted me in the raising the volunteers now sent out, which are truly *every fourth man* fit to march in this Province, which I shall, as is my duty, humbly represent to her Majesty.

As soon as is possible I shall order the incidental charges for their advance be laid before you; and the Treasurer very justly presses me to desire you will raise what is proper to pay your engagements and Debts; and a just induction to you so to do, is that nothing has been raised in this Province by a tax this year, when your neighbors pay 12 or 15 single rates for the necessary service of the year.

I have also to communicate to you her Majesty's commands, re-

ferring to the fort at New Castle, that it be perfected in all points; the date of these letters will allow you to suppose that the Account of your grant of 500lbs for that service was not come to hand; however I am bound to communicate that Letter, and it will give you a good demonstration of her Majesty's care of the preservation and security of her good subjects here residing; And also encourage you in what is further wanting in that service to do your duty as there shall be occasion.

[P. 149.] I think it also proper to acquaint you with her Majesty's commands, which I have received referring to Mr. Allen's Title to the waste [lands?] of this Province, as the same is conveyed to him from the heirs of Mr. Mason, and to acquaint you that nothing will more tend to your quiet and repose, nor to her Majesty's just satisfaction referring to this Province, than to have an amicable and quiet issue in that matter.

The last Judgement upon the appeal makes you sensible of her Majesty's equal administration of justice to all her good subjects; and I desire your reguard to her Majesty's directions in what remains, which may give a like instance and satisfaction of your obedience.

I have also to recommend to you what the Lt Governor has already offered to the Council, that Lodgings may be provided for him on the Great Island, near the fort, until he may have a lodging in the fort itself, which will be most proper; — it can amount but to a small matter by the year, and will show your respects to the Government.

His Excellency also communicated to the said House of Representatives a Letter from her Majesty, relating to Mr. Allen's Title about the waste lands of this Province, as also, another Letter from her Majesty, relating to the inhabitants keeping the fort William and Mary in good defence, &c.

Thomas Holland's petition relating to his being divorced from his wife Elizabeth was read at this Board, and sent down to the House of Representatives with the opinion of the Council, that considering the said Elizabeth had owned her adultery and other allegations in said petition, that the said petitioner be acquitted from allowing said Elizabeth any maintenance, and she be separated from his Bed and Board.

Petition on file and entered in the next Council day.

Ordered, that Col. Thomas Packer be paid out of the

Treasury one pound six shillings seven pence for entertaining two men which came post for her Majesty's service.

[P. 150.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournm^{t} on Friday the 11th February, 1703.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,
The Honorable the Lt Governor, not as a member, &c.,
Peter Coffin, George Jeffrey, } Esqrs. Samuel Penhallow, John Plaisted, } Esqrs.
Henry Dow.

Thomas Packer's debenter, am^{o} to two pounds, one shilling and sixpence, for entertaining the Major General, was allowed and ordered to be paid in course out of the next Province Rate.

Thomas Packer's debenter, am^{o} to four pounds, fifteen shillings and eight pence, for entertaining the Honorable John Usher, Esq., Lt Governor, 22^{d} October, 1703, was allowed and ordered to be paid, Ut supra.

Ordered, that Thursday next be kept as a day of Fasting and Prayer throughout this Province; humbly to implore the Divine favor and Blessing upon her Sacred Majesty's life, and prosperity to her Arms and the Arms of the Confederates against the Great Oppressor of the liberties of Europe, and also to pray the favor of God for the preservation of this Province and the good success of the forces now gone against the Indian Rebels, and all ministers and people are strictly enjoyned to observe the same accordingly.

Samuel Penhallow, Esq., his debenter, am^{o} 11^{lbs}: 14^{s}: 00^{d} for utensils for soldiers marching forth against the Enemy, &c., and for maintenance of French Prisoners, &c., as upon

file, was read and allowed and ordered to be paid in course out of the next Province Rate.

[P. 151.] The petition of John Cross and James Phillipps are referred to next Council day to have a hearing, by reason Mr. Hinkes hath not had due notice to answer said petition; and that said Mr. Hinkes be ordered forthwith to pay the petitioners what money shall be found in arrears to them, and that Mr. Hinkes deliver to the Treasurer the Order of Thirty pounds or upwards, which the Treasurer says he hath paid; And that the Secretary give notice to Mr. Hinkes to attend next Council day.

Ordered, that the select men of Dover be summoned to appear next Council day to shew cause wherefore the town of Dover should not pay five pounds, eight shillings to the Treasurer for the defect of Constable Crockett; the Treasurer calling for said summons.

Mr. Hill, one of the House of Representatives brought up an answer to his Excellency's speech, in hæc verba, viz:

May it please your Excellency,—

The Representatives of this Province have duly considered what your Excellency has laid before them, and are always glad when they may attend you in General Assembly; being sensible of your great care to her Majesty's service and the good and welfare of this Province, we humbly thank God for our preservation hitherto during the late and present Trouble, and attribute much to your constant care and solicitude for us; and what the Gentlemen here have done to your assistance in raising volunteers is no less acceptable to us than your Excellency, And we thankfully accept your assurance that it shall be well represented to her Majesty.

As to the supply of the Treasury for the payment of Debts, the time of year draws near when the Revenue arising by a duty on lumber will show itself; and we assure your Excellency if that shall fall short at the year's end, we shall account the Province Debts our own, and take effectual care for payment of whatever appears justly due; As to the Great Taxes your Excellency is pleased to intimate has been this year laid upon our neighbors of the Massachusetts; We presume it has been principally occasioned

by the War, and your Excellency may please to know we have taken care to support that charge by having our men always ready with sufficient subsistance for so many as at any time your Excellency shall see cause to command forth against the present enemy. We are sensible your Excellency is not ignorant of our poverty by [P. 152.] which we are disabled raising the necessary fortification for this port, and that the 500lbs raised bears some proportion to our present ability, and hope the Province will always do their utmost for their own preservation; and humbly pray that you will further represent the matter to her Majesty, that by some means we may be assisted in that Great charge, and that great Ordinance, arms and ammunition, may be supplied to us.

As to what your Excellency has been pleased to communicate to us of her Majesty's commands referring to Mr. Allen's title to the waste of this Province, we humbly represent and pray of your Excellency that it may be laid before her most sacred majesty, that we are very sensible of her Majesty's princely regard and justice to her most dutiful subjects of this Province, in the last trial between Mr. Allen and Mr. Waldron, which has for ever obliged us to a sense of and resolution in our duty and obedience to her majesty; that this Province is at leasty sixty miles long and twenty miles wide, containing 1200 square miles, and that the inhabitants have only claim to the property of such land as is contained within their town Bounds, which is less than one third part of the Province, and has been possessed by them and their ancestors for more than sixty years, but have nothing to offer as a grievance if the other two thirds be adjudged to Mr. Allen, but shall be glad to see the same planted and settled for the better security and defense of the whole,* with all humbly desiring it may be con-

* In accordance with the above expressed opinion, "on the 3d of May, 1705, the Inhabitants and Terre-Tenants of the Province, at a general meeting held at Portsmouth, came to the following resolution with respect to Mr. Allen's title:

"That they had not on behalf of themselves, nor any of the Inhabitants of this Province, any challenge or claim to any part of this Province, extra the bounds of the four Towns of Portsmouth, Hampton, Dover and Exeter, with the Hamlets of New Castle and Kingstown, &c., appertaining which were all comprehended by a Line, on the western part of Dover, Exeter and Kingstown, already known and laid out, and should be forthwith revised; but that the said Samuel Allen, Esq., his heirs and assigns might peacably hold and enjoy the said Great Waste, containing 40 miles in length and 20 miles in breadth or thereabouts, at the heads of the four Towns aforesaid, if so should please her Majesty; and That the Inhabitants of this Province at all times should be so far from giving interruption to the settlement thereof, that they declare on their behalf and by the power given them that they desire by all means that the Waste might be planted and filled with Inhabitants, the lands being very capable thereof, to whom they would all give their assistance and encouragement as far as they were able.

sidered how much time, blood and Treasure has been spent to settle and defend this part of her Majesty's Dominion in New England, and that the cost and labor bestowed thereon far exceeds the present true value of the land, so that we humbly hope her majesty's intention is not to take of all the herbage, timber and fuel from the inhabitants, without which they cannot subsist; and less than the bounds of their present towns, which were but four in number until of late two were divided, will not give feed for their cattle, and timber and fuel necessary. It being not usual in those plantations to fence in much more of their land than serves for tillage, leaving the rest unfenced for the feed of their cattle in common, we are well assured of her majesty's gra-

"That in case Samuel Allen should for himself, his heirs, executors, &c., for ever quit-claim unto the present Inhabitants, their heirs and assigns, for ever, of all that Tract of land and every part and parcell thereof, with all privileges, &c., situate, lying and being within the severall Towns of this Province, to the extent of the bounds thereof, and also warrant and defend the same to the Inhabitants against all manner of persons whatsoever, free from mortgage, intailment and all other manner of Incumbrances; and that this agreement and the lands therein contained should be accepted and confirmed by her Majesty, then, and in such case they agree to lot and lay out unto Samuel Allen, his heirs and assigns forever, five Hundred acres of land out of the Township of Portsmouth and New Castle; 1500 acres out of the Township of Dover; 1500 acres out of the Township of Hampton and Kingstown, and 1500 acres out of the Township of Exeter, all which Lands should be laid out to him the said Samuel Allen, out of the Commonage of the respective Towns in such place or places, not exceeding three places in a Town, as should be most convenient to Mr. Aller and least detrimental to the Inhabitants of the Town.

"And further they agree to pay Samuel Allen, his heirs or assigns, two thousand Pounds current money of New England, that is to say, one thousand pounds within twelve months after the receipt of her Majesty's Confirmation of this their agreement and the other thousand pounds within twelve months after the first payment.

"And further that all contracts and bargains formerly made between Mr. Mason and Mr. Allen with any the inhabitants or other her Majesty's subjects, which were *bona fide* for lands or other privileges in the possession of their tenants in their own just Right, besides the claim of Mr. Mason or Mr. Allen, and no other shall be accounted good & valid by these articles; But if any the purchasers, lessees or Tenants should refuse to pay their just part of what should be agreed to be paid, referring to this affair, in equal proportion with the rest of the Inhabitants according to the land they hold for, their share should be abated by Mr. Allen out of the two thousand Pounds payable to him by this agreement.

"And further that upon Mr. Allen's acceptance and under writing of these articles, they promised to give good personal security for the payment abovesaid.

"And further that all actions and suits in the Law depending or thereafter to be brought conserning the premises should cease, determine and be void, untill her Majesty's pleasure should be further known therein."

[The foregoing copied from a MS. Report of the Lords of Trade, to King George II., in Secretary's Office. To which is added:

"These Propositions having been finally settled and agreed to, were ordered to be presented to Mr. Allen for his acceptance, but his death, which happened on *the next day*, prevented it."]

cious regard to all her good subjects of this Province, and humbly prostrate ourselves at her feet in this affair of so great concernment to us.

As to the providing lodgings for the Lieut. Governor, our poverty is such that we are not able to do what is necessary for our own preservation and defense; However, if your Excellency sees meet to appoint two of the Council, we will nominate two of this House to join with them as a Committee to consider that matter and make report to the next session of the Assembly.

[P. 153.] We only further humbly pray your Excellency that you will please to continue your care of us as hitherto, that we may not be insulted by the enemy, and that our principal gentlemen, such as the Judges, Justices of the Peace and other persons of the best account amongst us, may not be exposed as private sentinels, and sent out upon the scout in a small number after the enemy, as some have lately been In your Excellency's absence, to the great hazard of their lives without any prospect of service to her Majesty. February, 11, 1703-4.

Past by this House, Mark Hunking, Clerk.

Ordered, That Robert Elliott and George Jeffrey, Esqs., be appointed a Committee to join with two of the House of Representatives, viz: Mr. Mark Hunking and Mr. Samuel Keais, to consider of a House for the accomodation of the Honorable John Usher, Esq., Lieut. Governor, and to make report to the next session of the General Assembly.

Ordered, That George Jeffrey and John Plaisted, Esq., be a Committee to audit accompts of the Tanners, Curriers, Shoemakers, &c., and make report to his Excellency.

[P. 153.] Province of New Hampshire.

The petition of Thomas Holland.

To his Excellency, Joseph Dudley, Esq., Capt. General, Governor and Commander in Chief of her Majesty's Province of New Hampshire, and to the Honorable The Council and Representatives Convened in General Assembly for said Province, at Portsmouth.

The humble Petition of Thomas Holland, now resident in said Province, mariner:

Sheweth: —

That your petitioner was married to Elizabeth Very[?] of Deptford, at Southwark, in the kingdom of England, in the year of

our Lord, 1692, and since that hath lived in a state of marriage with her, the said Elizabeth, about seven years, in which time she bore him three children, and then she went from hence to England, where she remained about two years; all which time your petitioner continued here in New England, being employed in his late Majesty's service as purveyor for the navy of England, and all that time did not see the said Elizabeth his wife, who returned from England in the Ship Hope, Aaron Everdon, Com- [P. 154.] mander, in the year 1700: And about three weeks after her arrival, she, the said Elizabeth, was delivered of a living daughter and was thereupon convicted before her Majesty's Lieutenant Governor and Council in this Province, and she publicly owned her adultery and the child borne of her body, since which time she hath taken no method to your petitioner's satisfaction, so as to procure in him a belief of her amendment, but rather gives cause to suspect she persists in a lewd course of life.

Wherefore your petitioner most humbly prays your Excellency and this honorable Assembly, that you will please to grant him a Divorce from his marriage with the said Elizabeth, or such separation as may acquit him from her further challenge and maintenance, that he may be capacitated to go about his business with alacrity and maintain his poor children, of whom he is willing to take effectual care according to his ability.

And your petitioner, as in duty bound, shall ever pray, &c.

THO: HOLLAND.

Said petition was read in the Council Board, 10th instant, and sent down to the House of Representatives with the opinion of the Council; viz., That considering the said Elizabeth had owned her adultery and other allegations in said petition, that the said petitioner be acquitted from allowing said Elizabeth any maintenance, and she be separated from his Bed and Board.

This day said petition was brought up to this Board with the following vote annexed thereto from the House of Representatives, viz:

Voted, That the Assembly doth acquiesce in what the Governor and Council hath done as to the above petition, &c.

This Court having had consideration of said petition, and having seen the examination of the said Elizabeth Holland

and her confession as the same is alledged in the petition from the ministers of the Council of this Province, Do thereupon order and determine that the said Elizabeth Holland be and is hereby separated from her said husband, Thomas Holland, *a mensa et a thoro*; and the said Thomas Holland discharged from any further care or provision for her, the said Elizabeth's, [P. 155.] maintenance or subsistence, he having never received any thing as a marriage portion with her, more than her clothes, and she being now eloined* from him; the said Thomas Holland having also engaged to this Court, to take a just care of his three children borne of her body, during their cohabitation together, and that the secretary exemplifies the same under the seal of this Province with his attest.

P. Order, &c.

Exemplification upon the abovesaid Order about Thomas Holland.

[P. 155.] Province of New Hampshire in New England.

By his Excellency Joseph Dudley, Esq., Governor and Commander in Chief in and over her Majesty's said Province, the Honorable her Majesty's Council and [SEAL.] Representatives Convened in General Assembly the eighth day of February, Anno Domini, one thousand seven hundred and three, and continued by adjm^t^ until the eleventh day of said month of February:

This Court having had consideration of the petition of Mr. Thomas Holland, setting forth that he was married to Elizabeth Verry [?] of Deptford at Southwark in the Kingdom of England in the year of our Lord one thousand six hundred ninety and two, and since that hath lived in a state of marriage with her, the said Elizabeth, about seven years; in which time she bore him three children; and then she went from hence to England, where she remained absent two years, — all which time, he the said Thomas Holland continued here in New England, being employed in his late Majesty's service as Purveyor for the Navy of England, and

* Separated.

all that time did not see the said Elizabeth his wife, who returned from England in the ship Hope, Aaron Everdon, Commander, in the year one thousand seven hundred, and about three weeks after her arrival, she the said Elizabeth was delivered of a living daughter, and was thereupon convicted before her Majesty's Lieutenant Governor and Council in this Province, and she publicly owned her adultery and the child borne of her body; since which time she hath taken no method to the said Thomas Holland's satisfaction, &c.; And having seen the Examination of the said Elizabeth Holland and her confession, as the same is alledged in the petition from the Minutes of Council of this Province, Do thereupon order and determine that the said Elizabeth Holland be and hereby is separated from her said Husband, Thomas Holland, *a Mensa et a Thoro*, and [P. 156.] the said Thomas Holland discharged from any further care or provision for her the said Elizabeth's maintenance or subsistence; he having never received any thing as a marriage portion with her more than her clothes, and she being now eloined from him; The said Thomas Holland having also engaged to this Court to take a just care of his three children, borne of her body during their cohabitation. In Testimony whereof we have caused the seal of her Majesty's Province to be hereunto affixed, the eleventh day of February, in the second year of her Majesty's Reign; Annoque Domine, 170¾.

8th March, 170¾.
Served a true copy of the above, by delivering the same to the above named Elizabeth Holland and showing her the original.
P. Chas. Story, Secretary.

Per Order of his Excellency and Council.
Chas. Story, Secretary.

Ordered, That all petitions presented to this Board shall pay to the Secretary five shillings, and for an order thereupon five shillings, except the petitioner be a member of the Council or Assembly, or that the Governor or Commander-in-Chief in Council give order to the contrary.

His Excellency departed for Boston about four of the clock this afternoon, his Honor the Lieut. Governor taking his place.

Mr. John Campbell, post master General, his account

being read at this Board, am° to 21^{lb} 4^{s} 0^{d}, for his trouble and charges in sending forward his Excellency's Letters to Roxbury at all hours and seasons in the night, and for sending to and from Piscataqua extraordinary expresses as per account on file, dated the 8th February, 1703-4, allowed fourteen pounds in full of said account, and ordered to be paid in course by the Treasurer out of the next Province Rate.

His honor the Lieut. Governor was pleased to send Mr. Secretary Story for the House of Representatives to come to this Board, who accordingly came, and he then acquainted them that by his Excellency's order he prorogued them till Tuesday the 4th day of April next; and accordingly they were prorogued till Tuesday, the 4th day of April next, 1704.

Council adj^{d} till Thursday the 24th instant, at 10 o'clock, ante meredíem.

[P. 157.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by Prorogation, on Wednesday the 24th May, 1704.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

The Honble the Lt Governor,

Robert Elliott,	Esqs.	George Jeffrey,	Esqs.
Nathl Weare,		Saml Penhallow,	
John Gerrish,		John Plaisted,	

Henry Dow, Esq.,

The Honorable the Lt. Governor having acquainted this Board that there are several families within the Bounds of this Province next adjoining to Salisbury, and to ascertain them to be within this Province he run the line some years since, having given notice to the Government of the Province of Massachusetts, who refused to attend^{d}:

Ordered, That the said several farmers and familics be assessed to the Province Tax, and it be collected by the

Constables of Hampton, and that the Province of the Massachusetts be notified of this order, and that the Council is willing at any appointed and agreed time to run the Line and submit it to a - - - - and a Committee of both Governments, and that the commanders of the militia also do their duty in the military Government of the inhabitants abovesaid.

Upon Col. Romer's remonstrance of the 24th May, 1704, given the Governor, he was heard at this Board, and all just satisfaction done him by the Governor and the Board in his reputation and service, and every body ordered to attend him in the service.

Mr. Ellott and Mr. Jeffrey representing to this board that whereas they were directed to join with two of the gentlemen of the Representatives for procuring a House for the reception of the honorable the Lieut. Governor, who accordingly appointed a time and met, but the said gentlemen refused to do anything therein.

The Secretary was sent as a message to call the House of Representatives to this Board, who accordingly came, and his Excellency made the following Speech in hæc verba, viz. :

Gentlemen:—The last time I met you I acquainted you with the state of the Treasury, and your debts and engagements; and had your answer, That if the Impost did not amount you would as you ought take effectual care for the discharge of the Debts, and for the necessary incidental growing charges, which I must expect be now immediately done. The Treasurer lays before you your Debts, and the Receiver the accounts of the Impost; there remains but two months of the year in which time what ever is received shall be duly accounted for.

I desire you will grant what is necessary for a just discharge of your engagements, and that you will continue the impost and duties for the growing charge, which shall be with all thrift expended; and you are encouraged so to do for that the price of Lumber will now much better bear it than last year; and I must desire you to do it now that it may not fail, because I cannot possibly be here just at that season when that Act will expire.

I am sure every member of the Assembly is sensible that all

due care has been taken in her Majesty's service here that your Debts are justly contracted, and I cannot further proceed in any affair without a discharge of what is past, which you will therefore grant by a tax to be paid out of the Province in such proportion as is usual.

In obedience to her Majesty's Command Col. Romer is reforming the fort on Great Island, and I must acquaint you that for the four months next coming I cannot have less than twelve men at that place to support the watches, lest we be surprised and in case of any invasion I have given strict orders to all the forces of both the Provinces to repair thither for its defence.

What's necessary for the Lt Governor and the forces under him who have the charge of the Fort ought to be supplied, or the service will not go forward.

I am glad in these hazardous times that I can meet you with any safety and that your frontiers have been hitherto preserved, notwithstanding the daily scouting of the enemy around the Province who have had the advantage in other places by the negligence of the watches in several parts. I shall continue to do what in me lies that you may be well guarded, and hope that every body will do their duty in their station.

Adj^d till to-morrow morning, nine o'clock.

[P. 159.] Province of New Hampshire.

At a Council and General Assembly, held by adj^t, on Thursday, the 25th May, 1704.

Present,

His Excellency, Joseph Dudley, Esq., Governor, &c.,

Robert Elliott,	Esqs.	Nathl Weare,	Esqs.
Peter Coffin,		Saml Penhallow,	
John Gerrish,		Jno. Plaisted,	

Henry Dow, Esq.

Mr. Secretary Story his debenter for service as Secretary from the 17th May, 1703, to 17th May, 1704, for his salary and other service, &c., being sent down to the House of Representatives and by them approved of, was allowed of at this Board, amounting to 46^lbs, 19^s, and ordered to be paid out of the 700^lbs Rate.

Upon complaint of the Treasurer that Constable Crockett, about three years ago, having collected a Rate in Dover fell short of paying the Treasurer five pounds eight shillings, which he hath paid and disbursed since, and said Constable is dead, and left no estate,

Ordered, that there be 5lb 8s 0d added to the next Province Rate for Dover Town, for reïmbursing the Treasurer the said sum of 5lb 8s.

That in consideration of the honorable service done the Province by Major Hilton, Capt. Davis, Capt. Chisley and Capt. Gilman, in the late expedition, Ordered that they be presented severally:

	lb.	s.	d.
Major Hilton, ...	12	0	0
Capt. Davis, ...	5	0	0
Capt. Chisley, ...	5	0	0
Capt. Gilman, ...	3	0	0
To Capt. Saml Chisley for keeping Tho. Phipps, the Guide, ...	3	0	0
	28	0	0

Ordered, that seven pounds be paid Col. Thomas Packer out of the next Province Rate in course, being a mistake, or under payment, made him at his Excellency's meeting the Indians in January, 1702.

Capt. Jno Tuttle his Debenter, Amo to 7lb: 10s: 0d, for scouting and sending forward several Letters for her Majesty's service, was read at this Board and allowed five pounds, and ordered to be paid in course out of the next Province Rate.

[P. 160.] Ordered, that Benjamin Leavitt have 1lb 10d allowed him for riding post, 11th Augt, 1703, to his Excellency at Roxbury, and to be paid in course out of the next Province Rate.

Francis Graves his debenter being read at this Board for several times going Express in the year 1703, for her Majesty's service; It is ordered, that the said Francis Graves have 5lb 19s paid him in full of his Debenter out of the next Province Rate, in course.

Richard Jose, Esq., his debenter, Am° to 9lb: 1s: 3d, for summoning and attending the Council and other service for her Majesty, being read, allowed and ordered to be paid in course according to his warrant out of this present Province Rate.

Col. Thomas Packer's debenter, am° to 2lb: 8s: 8d, for meat drinks, &c., for troopers and volunteers, allowed and ordered to be paid in course out of the next Province Rate.

His Excellency having sent for the House of Representatives to come to this Board, who accordingly came, He was then pleased to cause her Majesty's Order, in hæc verba, to be Publicly read before said House of Representatives, as foll., viz:

At a Court of Saint James', the 11th day of November, 1703.
Present,
The Queen's most Excellent Majestie in Council.

Upon reading this day at the Board a representation from the Lords' Commissioners of Trade and plantations, dated the 29th October last past, relating to two Acts past in the Assembly of her Majesty's Province of New Hampshire, the one entitled An Act for the Confirmation of Town Grants, and the other entitled an Act to Prevent Contention and Controversy that may arise, concerning the Bounds of the Respective Towns within this Province; And the said Lords Commissioners humbly offering their opinion that her Majestie would please to declare her disallowance and repeal of both the said Acts:

Her Majesty with the advice of the Privy Council is pleased to declare the disallowance and disapprobation of the said two Acts; and pursuant to her Majesty's pleasure thereupon, the said two Acts are hereby Repealed and declared null and void, and of none effect.*

WILLIAM BLATHWAYT.

Ordered, that the afore mentioned Order be published by Beat of Drum, &c.

Edward Ayres' debenter for iron work at the Prison, am° to 3 : 11 : 3, was allowed and ordered to be paid in course out of the next Province Rate.

* See said Laws, pp. 226-228, of this volume.

Mr. Samuel Penhallow his debenter, am° to 8^{lb} : 3^{s} : 0^{d}, for provisions for soldiers and necessaries for the fort, and allowed and ordered to be paid out of the 700^{lbs} Rate.

The following Acts having past both Houses were consented to by his Excellency and by him signed accordingly:

An Act for raising 700^{lbs}; An additional Act of the militia.

Prorogued until Wednesday the 26th July, 1704.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Wednesday, the 9th August, 1704.

Present,

The Honorable John Usher, Esq., Lieut. Governor,

John Hinkes, John Gerrish, } Esqrs. George Jeffrey, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

His Hon. the Lieut. Governor communicated to this Board his Excellency's the Governor's Letter dated the 1st August, 1704, signifying that he intends to be here on the 10th instant to see the Assembly and the Court, and desires that the Judges be directed to adjourn the Court from day to day till his coming, &c.

It is the opinion of this Board that, whereas it is no prejudice to her Majesty's interest, but an ease and benefit to her Majesty's subjects, that the Justices of the Superior Court of this Province be directed to adjourn said Court until Monday next, at two of the clock in the afternoon, expecting his Excellency's presence at that time.

Richard Jose, Esq., High Sheriff, was sent as a message to the House of Representatives to call them up to this Board, who accordingly came.

[P. 162.] And his Hon^{r} the Lieut. Governor was pleased to adjourn them in these words:

Pursuant to his Excellency's Letter dated the 1st August, 1704, for adjourning the General Assembly of this Province for two days, I do therefore in her Majesty's name adjourn the said General Assembly till Friday next ten of the clock before noon, and accordingly the said General Assembly are hereby adjourned till Friday next, ten of the clock before noon.

Council adjourned till Friday next ten of the clock before noon.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, Friday the 11th August, 1704.

Present,

The Hon. John Usher, Esq., Lieut. Governor,
John Hinkes, Esq., Samuel Penhallow, Esq.,
John Plaisted, Esq.

Mr. Sheriff was sent as a message to the House of Representatives for the said House to come to this Board, who accordingly came; and his Honor was pleased to communicate his Excellency's Letter, dated the 9th instant, setting forth that he supposed the enemy to be in a body between Lancaster and Connecticut River, after whom he had sent 800 men and hoped their good success, &c.; and that the enemy was seen from Woodstock to Exeter, &c.

Then his Honor the Lieut. Governor was pleased to adjourn the Assembly in these words:

Pursuant to his Excellency's Letter, dated the 9th of August instant, for adjourning the Assembly of this Province for a week, I do therefore in her Majesty's name adjourn the said General Assembly till Friday the eighteenth day of August instant, at ten of the clock before noon, and accord-

ingly the said General Assembly are adjourned until Friday next, ten of the clock before noon.

[P. 163.] The petition of several sloop men was read at this Board setting forth that they were much prejudiced by the Imbargo, &c.; as appears at large by said petition, upon file, &c.

Ordered, that the Secretary make a copy of the said petition to be sent to his Excellency by the petitioner to know his pleasure therein, they paying the charge of the express.

His Honor the Lieut. Governor having signified to the Council that his Excellency had wrote him the 9th instant to adjourn the Court for a week,

It is the opinion of this Board that whereas the Superiour Court of this Province was adjourned until Monday next, two of the clock in the afternoon, that the same be further adjourned till Friday the 18th instant, ten of the clock before noon, whereof all persons concerned are to take notice and govern themselves accordingly; And that the Secretary issue out proclamations to the several towns accordingly.

Peter Coffin and John Plaisted, Esqrs., and Mr. Timothy Davis, having viewed and valued timber brought to her Majesty's fort by Thomas Westbrooke and Nathan Knight, and valued the same at four pence half penny per foot at the landing place, by the fort, besides the charge of hauling it up, delivered an apprizement thereof unto this Board, and is upon file.

This apprizement allowed 31st August, 1704, By his Excellency.

[P. 169.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t} on Wednesday the 23^{d} August, 1704.

Present,

The Honorable John Usher, Esq., Lieut. Governor,

John Hinkes, John Gerrish, } Esqrs. George Jaffrey, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

His Honor the Lieut. Governor sent Mr. Secretary Story to the House of Representatives to acquaint them that as they were adj^{d} from time to time, they were qualified to consider of any thing which was laid before them at last sessions, where they had done nothing in, and that they might adjourn their House de die in diem, expecting Governor's arrival here.

Adj^{d} till two o'clock to-morrow, Post meridiem.

[P. 170.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment on Thursday, the 24th August, 1704.

Present,

His Excellency Joseph Dudley, Esq., Governor,

John Hinkes, Robert Elliott, John Gerrish, } Esqrs. George Jaffrey, Saml Penhallow, John Plaisted, } Esqrs.

His Excellency the Governor sent a message for the House of Representatives to come to this Board, who accordingly came, and his Excellency then made the following Speech, in hæc verba:

Gentlemen:—

Since your last session, you have the issue of our Eastern Expedition, where our forces have very successfully proceeded to the destruction of the French settlements in all the parts of Acadia

and Nova Scotia, so that there is nothing left out of the sight of Port Royal; and in other parts where the Garrisons and inhabitants have kept good watches, we have lost nothing. The last appearance of the French and Indians was at Lancaster, where we were so ready for them that one Belly full of Beef has cost them three months' Expedition, and they have made no impression upon the least Garrison there; and by these means the intended expedition from Quebeck upon this Province has been diverted, for which we have great reason to thank Almighty God.

I am glad to find you in soe good a position in your frontiers,* and the forwardness of the works of the fort, where if the cost be a little more than was expected the view of the works will answer it to every skillful man. [P. 171.] I shall direct the charge there to be laid before you, and the present state of your Treasury.

I am obliged to tell you, the Assembly of the Massachusetts have earnestly addressed me, that this Province may do their just share in the present War as judging the service to be equal and in common, and that this Province has not been equally charged hitherto, which is altogether just it should be so; in the mean time, I am

*Province of New Hampshire.

An Act for the better enabling the Inhabitants to pursue the Enemy in the Winter season.

[SEAL.] *Be it enacted* by his Excellency, the Gov'r, Council and Representatives convened in General Assembly, and it is hereby Enacted by the Authority of the same, that every Householder within the severall Towns of this Province, shall provide, at his or their own proper charge, one good pair of snow shoes and mogasheens,† and have them in their proper custody at or before the last day of November next ensuing, on penalty of a fine not exceeding tenn shillings, to be leveyed by distress of the offender's goods by a warrant from the several Captains directed unto the Clerk, which money soe taken shall be laid out, or soe much of it as will purchase said shoes and mogasheens; the overplus, if any there be, together with the shoes and mogasheens when all charges is paid, shall be delivered to such persons from whome such fines shall be taken.

Be it further enacted, by the Authority aforesaid, that every Householder shall, on penalty of a fine not exceeding five shillings, keep the said snow shoes and mogasheens continually in good repaire; and if at any time the said shoes shall be improved in proceeding after the enemy, and wore out or damaged, such shoes and mogasheens shall be repaired and made good at the province charge, and to be delivered to the owners, who is hereby injoyned to keep them continually in good repaire during the present Warr with the French and Indian enemy.

Bee it further enacted, by the Authority aforesaid, that when there shall be a necessity of sending forces out Ag't the enemy, the Captains in the several Towns are hereby impowered to order his or their clerk to demand soe many of said snow shoes and mogasheens of the severall Inhabitants within their precincts as need shall require, and whosoever shall neglect or refuse to deliver the said shoes or mogasheens, shall pay a fine of eight shillings to be taken by the Captain's warrant directed to the Clerk, by distraint on such delinquent's estates, and disposed of as other fines soe taken are; *Provided* always, that it shall be in the power of two Justices of the Peace in each Town, to exempt all poor widdows from the burthen of this Act, upon application to them made.

23d Aug't, 1704. This Bill was read three several times and past by the Council to be enacted and sent down to the House of Representatives for concurrence.

CHA. STORY, Secretary.

Eodem die.

Past by the Assembly, who desires this Bill may be enacted, his Excellency consenting thereto.

JOHN PICKERIN, Speaker.

I essent to the Enacting this Bill.

J. DUDLEY.

† Modern spelling — *Moccasins.*—Web. Dic.

the more surprised to find that any of us are impatient of the present charge of the expences at the fort, and otherwise, when truly we have not yet raised the quarter part of our just quota with our neighbors.

I know no better article for the advancement of the Revenue than that of lumber, which was no hard thing these two last years when they were below twenty shillings the thousand; now they are almost double that price they will better bear it, and I am to tell you that laying of that tax is very well taken by the Right Honorable the Lords Commissioners of Trade and plantations, who are the best judges of our affairs. If the Assembly will revive it for one year more I shall represent it well to her Majesty, and judge it the most equal and easy method, and shall take care it be better collected than heretofore.

I am sorry to be acquainted that under all our hardships from the enemy we cannot be at peace amongst ourselves; the late riot of Hampton, of which I am acquainted since my coming, will be of ill consequence to us unless prevented by just and severe punishment, which I hope her Majesty's Justices of the Superiour Court will not fail of.

[P. 172.] At the last session of the Assembly there was a committee of both Houses directed to consider and provide a proper reception for the Lieut. Governor, which was since proposed by the Council to effect, until the coming of the Assembly; which provision is now expired, and I must now again recommend to you that it may be done to effect, lest the Government be reflected upon as neglecting their duty therein.

Since I have been in Command here I have sincerely intended the service of the Province, and her Majesty's honor in it, and shall continue to do my duty and expect your assistance in every thing relating to the service, and trust in the favor of Almighty God for your preservation in the present troubles.

His Honor the Lt. Governor acquainted his Excellency that his occasions, suffering much by reason of his long absence, called him abroad for twenty days' time, upon urgent business: Therefore desire his Excellency would grant him liberty to be absent out of the Province for said time.

His Honor the Lt Governor's debenter, amounting to 4, 19, 6, for several journeys to the several Towns of this

Province, for settling matters about imprest men and provisions, and for boards and shingles at the fort, and for oyle and coloring for the fort, &c., was read at this Board, allowed and ordered to be paid out of the Treasury.

Sam[l] Penhallow, Esq., his Debenter, am[o] to 45, 00, 10, for beds and bedding for the soldiers at the fort, for a Union Flag and other things for said fort, was read at this Board, allowed and ordered to be paid out of the 700[lbs] Rate.

[P. 173.] The Governor gave the Judges of the Superiour Court present at the Board notice of the Riot at Hampton, and set forth the aggravation thereof, that it should be committed by so great a number as twenty men, in the time of War, and under pretense of an order of the selectmen, as I am told, where her Majesty had so lately made void that Act, and her Majesty's pleasure therein having been published in the General Assembly, which contempt had aggravated the Riot, and therefore directed them to use all possible methods for their conviction and just punishment.

Adj[d] till 9 o'clock to-morrow morning.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj[t] on Friday, the 25th August, 1704.

Present,

His Excellency, Joseph Dudley, Esq., Governor, &c.,
The Hon[ble] John Usher, Esq., L[t] Governor, &c.,

John Hinkes,	Esqs.	John Gerrish,	Esqs.
Robert Elliott,		Sam[l] Penhallow,	
George Jaffrey,		John Plaisted,	

The petition of Elizabeth Scott was read at this Board, setting forth that Samuel Penhallow and Thomas Phipps, Esqs., two of her Majesty's Justices in this Province, had,

contrary to Law, proceeded in a case against her, &c., as upon file.

[P. 174.] Ordered, That Mr. Penhallow and Mr. Phipps have a copy of said petition, and there be a hearing of said petition on Monday next at the Council Board, 3 o'clock, post meredíem.

The petition of Francis Jennings was read at this Board, signifying that Nathaniel Weare and Henry Dow, Esqs., prosecuted the said petitioner for defaming and vilifying them, &c., in the year 1802-3, and could not make out their complaint, &c., therefore petitions for charges.

Ordered, that the petitioner appear at the Council Board, on Monday next, Three of the clock in the afternoon, and that Capt. Dow and Mr. Weare be notified to appear at said time.

Adj^{d} till to-morrow morning, 9 o'clock.

26th ditto. Met, and adjourned till to-morrow morning, 9 o'clock.

27th ditto. Met, and adjourned till to-morrow morning, 9 o'clock.

[P. 175.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t} on Monday, the 28th August, 1704.

Present,

His Excellency Joseph Dudley, Esq., Governor,

John Hinkes,	Esqs.	George Jaffrey,	Esqs.
Robert Elliott,		Nathl Weare,	
Peter Coffin,		Saml Penhallow,	
John Gerrish,		Henry Dow,	

John Plaisted, Esq.

The House of Representatives sent up to this Board an answer to his Excellency's Speech in hæc verba :—

May it please your Excellency:

The Representatives of this her Majesty's Province, convened in General Assembly, do with all humble gratitude acknowledge your Excellency's constant care and concern for the defense of her Majesty's Province, under your Governments, and are abundantly satisfied with what your Excellency has been pleased to acquaint us with, of the success of the late Eastern Expedition, and particularly of the defeat of so numerous a company of the enemies at Lancaster,* which next to Divine Providence must be attributed to your Excellency's prudent care and conduct in sending forces so seasonably to those frontiers, and we have no cause to doubt of the continuance of your Excellency's care over us for the defense of this her Majesty's Province, for which we shall be always ready to give our assistance, according to the utmost capacity of the poor distressed inhabitants thereof. The Great Charge of the Fort lies hard upon us, for besides the five hundred pounds raised by the Assembly, for reparation thereof, we are given to understand that sum is more than double by the constant attendance of soldiers and Laborers, imprest [P. 176.] from the several Towns for that service, whereby our strength in the frontiers is so much lessened, and we thereby exposed to the enemy, when all the time the poor inhabitants have to spare from watching, warding and scouting is too little to get bread for their families, which neither can they do but with the utmost hazard of their lives.

As to bearing an equal proportion of the charge of the war, with our neighbors of the Province of the Massachusetts, we would pray our different circumstances might be considered. The bulk of that Province being out of the reach of the enemy, and no otherwise affected by the war then only to pay their proportions of the charge: Whereas this Province is wholly frontiers, and in equal danger with the Eastern frontier of that Province, (viz.) The Province of Maine, who besides the advantage of three or four regular companies for their constant defense are also very much abated of their proportion in their Rates and Assessments made for defraying the public Charge.

Also Reviveing the Lumber Act we find it not to answer the proposed end, it also bearing so hard upon those concerned in Lumber, but are willing that all public charges arising in this Province

* NOTE. "On the 30th of July the French and Indians furiously assailed the town of Lancaster (Ms.); killed a few and obliged the rest of the Inhabitants to retreat into garrison; burned the church and six other buildings and destroyed many cattle." —*Holmes Ann.*, 1704.

shall be defrayed by Rate, on Poles and Estate, which we shall be ready from time to time to do our duty in, according to the necessities of the Province and the abilities of the poor inhabitants thereof; but at present pray it may be considered how our people have been *faleanged** by their service at the fort, and that the seven hundred pounds last ordered to be raised is yet to be collected.

As to the late Riot at Hampton, which your Excellency is pleased to mention, we can say little to it, only by what we have heard we believe the matter is aggravated to your Excellency; however, we understand the persons concerned are [P. 177.] under prosecution, and we hope that those who are found guilty will be punished according to their demerits.

As to Lodgings for Lieut. Governor Usher, we only say: This Province never yet allowed anything to a Lieutenant Governor as he well knew during his former residence here, and might rationally expect no other at his return, especially considering we are now in a far worse capacity than formerly, and unable to support the more necessary charge of defending this her Majesty's Province against the French and Indian Enemy.

Augt 23^d, 1704. Past by this House.

MARK HUNKING, Clerk.

His Excellency ordered that the Secretary give notice to the Clerks of the Superiour and Inferiour Courts, that they make out an Account of all their causes heard and determined in their several Courts from the last time they sent account to his Excellency, and write the same fare and send them to Secretary Addington to be delivered to his Excellency in order to be sent to England.

The snow shoes lately in Mr. Jaffrey's hand delivered him by the Exeter men who were sent to Capt. Chisley,

Ordered, that the same be forthwith delivered back again by said Capt. Chisley in order to be sent to the said Exeter men.

Mr. Sheafe, Deputy Collector, appeared at this Board and gave in a memorial relating to the smallness of his fees, and an addition to be made for the encouragement of

* Deceived, disappointed.

her Majesty's service, and also delivered in a table of fees belonging to his place.

[P. 178.] A vote was brought up to this Board from the House of Representatives to pray his Excellency to send twenty friend Indians to scout, &c., in this Province, and that they shall be paid and subsisted at this Province charge, &c.

Ordered, that Mr. Treasurer, with the advice and assistance of the members of the Council at New Castle, do forthwith hire two rooms at New Castle for the reception of the Lieut. Governor, the rent not exceeding ten pounds per annum.

Ordered, that the Treasurer pay to the Attorney General eight pounds for his attendance at the last Superiour Court, being specially directed so to do by the Governor, upon her Majesty's affairs there depending.

Ordered, that the Treasurer with all possible speed pay the officers and soldiers their salary and wages due to them to the 17th May last past, out of the 700lbs Rates.

Samuel Penhallow, Esq., Treasurer, his acct of his payments and disbursements for the year 1704, was read at this Board and allowed and signed by his Excellency.

Adjd till to-morrow morning, 10 o'clock.

29th August, 1704. Met, and adjd till to-morrow morning 10 o'clock.

[P. 179.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adjt on Wednesday the 30th August, 1704.

Present,

His Excellency, Joseph Dudley, Esq., Governor,

John Hinkes,	Esqs.	George Jaffrey,	Esqs.
Peter Coffin,		Saml Penhallow,	
John Gerrish,		John Plaisted,	

Mr. John Hinkes' Debenter, Amo to 20lbs, 5s, 2d, being

formerly allowed and not entered in the minutes of Council, now allowed, and ordered to be paid in course out of the public tax of this Province.

Ordered, that the Treasurer forthwith buy a Ream of good paper, for the use of this Board, and deliver the same to the Secretary for that purpose.

John Walker's Debenter, am° to 2, 15, 0, for summoning the Council, impressing of Horses, &c., allowed to be paid in course.

Elisha Bryer's debenter, am° to 7lbs, 10, 0, for attending the Council as door-keeper, &c., allowed to be paid in course.

Zachary Trickey's debenter, am° to 1, 13, 8, for ferriage for soldiers, &c., Allowed to be paid in course.

Job Alcok his debenter, am° to 1, 8, 2, for oars for her Majesty's service, allowed to be paid in course, &c.

John Partridge debenter, am° to 10s, 6d, for ferriage for soldiers, &c., allowed to be paid in course, &c.

Peter Coffin and John Plaisted, Esqs., their debenters, am° 1lb, 8s, 0d, for expences and for their time in apprizing Timber brought for her Majesty's fort, allowed to be paid in course, &c.

[P. 180.] Edward Polly, his debenter, amounting to 8, 6, 8, for riding post for her Majesty's service, allowed to be paid in course, &c.

Thomas Greely, his debenter, am° to 10s, for imprest horses, allowed to be paid in course, &c.

The petition of Col. Samuel Allen was read at this Board in hæc verba, himself being present:—

To his Excellency Joseph Dudley, Esq., Capt. General and Governor, &c., of her Majesty's Province of New Hampshire, &c.

The petition of Samuel Allen, Esq., Proprietor of said Province,

Humbly sheweth, That your petitioner, having sundry Actions depending in several of her Majesty's Courts of Judicature, wherein he must make use of several Records of Judgments Ob-

tained formerly by his predecessor Mason against several persons of the Province; And having made application to Samuel Penhallow, Esq., the Recorder of this Province, for the said Judgments, upon searching the Book of Records for that purpose, the judgments are found to be cut of the Books, and so your petitioner greatly prejudiced and abused thereby. Wherefore,

Your petitioner humbly prays your Excellency to take the premises into your wise and just consideration; And if it be possible, some way to relieve your petitioner therein; and your petitioner as in duty bound, shall ever pray, &c.

SAMUEL ALLEN.

The Gentlemen of the Council were enquired of how the Records of the Province had been kept; And it appeared, that the Books of Records were begun by Richard Chamberlain, Esq., Secretary of the Province, when Governor Cranfield arrived, The first Governor of this Province from the Crown [P. 181.] of England, in the year 1682; who held them until the time of the Revolution, when they were taken from him by Capt. John Pickerin, in the year 1689, and were by him delivered to Henry Penny by order of Lt Governor Usher, in the year 1691, and from the said Penny they were delivered to Thomas Davis, Secretary of the Province in the year 1693, by order of Governor Allen, and from him removed to William Redford, by order of Lieut. Governor Usher, in the year 1695.

And from the said Redford they were delivered to Major William Vaughan in the year 1697, by order of the Assembly and Lt Governor Partridge, and from him to Mr. Samuel Penhallow, in the year 1702, by order of the Assembly and Lt Governor Partridge, where they now are. The said Penhallow presenting the Book of Records, containing a Journal of the Courts from the year 1682 and continues to 1684, There was found twenty four leaves taken there out; where upon Mr. Penhallow was examined and gave the following oath:

Mr. Penhallow made oath in Council that he received the Book now showed (out of which twenty four leaves are cut)

and all other the books of Records, from Major Vaughan, in the month of June, in the year 1702, in such form as they are now kept, and particularly the Book shewed in Council, out of which twenty four leaves are cut in the same manner as it is now seen, and that they have been carefully kept.

And thereupon it was further ordered that Mr. Penhallow do attend at the office where all the other Records of this Province are kept at such times and hours as Mr. Allen shall desire, giving notice thereof the day before, that the said Mr. Allen may further search the Records for what papers or instruments or writings may any wise concern his affairs in this Province.

[P. 182.] Richard Jose's debenter, am° to 2 : 14 : 0, for his attendance on his Excellency and Council, allowed and to be paid in course.

Upon the repeated petition of John Partridge, referring to ninety eight pounds, eighteen shillings, due from the Province of the Massachusetts and this Province for expences and subsistence of wounded men, &c., as appears by the several petitions,

Ordered that the Treasurer do forthwith account with the said John Partridge what has been by the Assembly allowed, and pay him the remainder of forty eight pounds, eighteen shillings, and take a receipt for the same, and give him a certificate under the said Treasurer's hand, that he has paid him the said sum of forty eight pounds eighteen shillings, that he may there by be enabled to receive his just due from the Province of the Massachusetts, agreeable to the order made referring to this matter by the Assembly there.

Ordered, that William Cotton and James Randle Report the damage done to Captain Hunkins' marsh, by digging sods there for the repair at the fort at New castle, and that the same be paid by the Treasurer.

Ordered, that Colonel Romer within ten days next com-

ing perfect his accounts of Expences at the fort, that they may be showed in Council.

In answer to the petition of Cross and Phillipps, soldiers at the fort at New Castle, there remaining a difference between John Hinkes, Esq., late Captain of the said fort, and the said Cross and Phillipps, wherein also Mr. Treasurer Penhallow is concerned,

[P. 183.] Ordered, Richard Waldron, Esq., and George Jaffrey, Esq., are appointed a Committee to hear, adjust, and determine those accounts; and Mr. Hinkes and Mr. Penhallow hath submitted to their determination, and will thereupon forthwith settle the matter with the petitioners, and to make just report if any thing be found due.

The several Bills following have been three times read, and passed both Houses, were consented to by his Excellency, and by him signed accordingly, viz:

A Bill for enabling the inhabitants to pursue the Enemy in the winter season.

A Bill for regulating the measures of Boards, Joists and plank.

Prorogued till Wednesday, the 22d November next, 1704.

[P. 184.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Wednesday the 24th January, 1704.

Present,

George Jeffrey, Esq., Saml Penhallow, Esq.

Mr. Speaker and the Clerk pro tempore of the House of Representatives, came up to this Board, and acquainted them that they had adjourned their House till Wednesday, the 31st January, instant.

At a Council and General Assembly held at Portsmouth by adjournment, on Wednesday the 31st January, 1704.

Present,

John Hinkes, Esq., President,

Robert Elliott, George Jaffrey, } Esqrs.

Mr. Speaker and the clerk of the Assembly came up to this Board, and acquainted them that they had adjd their House till Wednesday, the 14th of February next at 12 of the clock at noon, and accordingly this Board is adjd till said day and time.

[P. 185.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Wednesday the 14th of February, 1704.

Present,

The honorable John Usher, Esq., Lt Governor,

Peter Coffin, George Jaffrey, } Esqrs. Saml Penhallow, Henry Dow, } Esqrs.

Ordered that the Secretary issue forth proclamations to the several towns of this Province, that no person whatsoever do harbor, entertain or conceal any person or mariner that hath deserted her Majesty's service from on board her Majesty's ship The Advice, Capt. Salmond Morris commander, on penalty as the Law in such cases directs; And that all Justices, &c., and all her Majesty's subjects within this Province, be aiding and assisting unto the said Capt. Morris for the seizing or apprehending of such persons so deserting her Majesty's service, as aforesaid.

Mr. Thomas Packer's debenter, being signed by his Excellency, for public entertainment of himself, Council and his attendance, in May, 1704, amo to five pounds, allowed

and ordered to be paid in course out of the next Province Rate.

Mr. Thomas Packer's Debenter, being signed by his Excellency, for public entertainment of himself, Council and his attendance, in August last past, 1704, am° to three pounds, was allowed and ordered to be paid in course out of the next Province Rate.

His Hon^r the Lieut. Governor sent Mr. Secretary Story to the House of Representatives to communicate his Excellency's, Joseph Dudley, Esq., Governor, &c., his Letter, [P. 186.] dated Boston, the 9th of February, 1704, for the adjorning the said House till the 15th March next, not permitting them to do any thing; and accordingly said Letter was communicated.

Colonel Romer's Debenter, relating to his own particular disbursements on several occasions for reforming and strengthening the fort, W^m and Mary, at Newcastle, was read at this Board, am° to twenty pounds, one penny; Allowed said account excepting two articles, viz:

One for sending upon urgent occasion Mr. John Bickford, Express for Boston, to his Excellency, charged, ...	1 : 5 : 0
2^d, To the Constable that brought Nathl Weare from Hampton, for his fees, ...	0 : 5 : 0
	1 : 10 : 0
Sum allowed to be paid, . . .	18 : 10 : 1

Mem^a, the above Debenter was ordered to be given Colonel Romer to be by him lodged with the Treasurer, which accordingly was delivered by said Romer.

Mr. Secretary was sent down by the Honble the Lt. Governor, to adj^n the Assembly to the 15th day of March next, pursuant to his said Excellency's letter before specified, and accordingly the said Assembly were adjourned till Thursday, the 15th day of March next, 1704.

Met, and adj^d till the 16th instant, at 10 of the clock, ante meridiem.

Met, and adj^{d} till the 19th inst., 12 of the clock.

Met, and adj^{d} till the 20th inst.

Met, and adj^{d} till the 23^{d} April, 10 of the clock, ante meridiem.

[P. 187.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Monday the 23^{d} April, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Robert Elliott, George Jaffrey, } Esqrs. Henry Dow, Saml Penhallow, } Esqrs.

His Excellency was pleased to send Mr. Secretary Story to call the House of Representatives to this Board, who accordingly came, and his Excellency was pleased to make the following speech, in hæc verba sequen:

[Copied from MS. Vol. Gov. Speeches, &c.]

Portsm^{o}, 23 April, 1705.

Gentlemen:—

I am glad to meet you after an Eight months' recess, during which time by the blessing of Almighty God upon our endeavours, wee have had no inroad of the ehemy, but find them drawn off to a great distance to secure themselves from the danger of being found by our forces, who have sustained very long and hazardous marches in the winter, to their own honor and our great benefitt; and must be now justly paid and rewarded. I shall lay before you the Muster Rolls of the several parties, signed by my selfe, as I ought, and expect they be speedily paid, that they may be the more chearfull in the service for the future.

I am alsoe glad to finde the works of the fort in soe good a forwardnesse; you shall have the past charge of that laid before you; and the season of the year allows us now to proceed to finish what remains, which alsoe demands a small Garrison for six months next coming, and must be provided for.

I have directed the Treasurer to lay before you the present state of the Debts, for which you must immediately provide, otherwise our creditt will be lost; to which you must add considerably for

the charge of the year current, for your quota of forces for a summer expedition; soe that I hope by the blessing of God upon the couragable Resolution of her Majesty's good subjects of both these Provinces, not to lett the enemy rest while they are within our reach, and possibiletye to sustain a march after them.

I do not doubt of your chearfull supply in these articles, necessary for her Majes$^{ty's}$ honour and your owne safety; and the sooner you please to dispatch them, the more early you will have the advantage to have the session ended.

[P. 188.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t}, on Tuesday the 24th April, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Elliott,		John Plaisted,	
George Jaffrey,		Henry Dow,	

Adj^{d} till to-morrow morning, ten of the clock.

[P. 189.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t}, on Wednesday the 25th April, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	George Jaffrey,	Esqrs.
John Gerrish,		Saml Penhallow,	
Robert Elliott,		John Plaisted,	

Henry Dow, Esq.

A vote was sent up to this Board from the House of Representatives, that an Act may be past for Reviveing the act of Impost and Excise, &c., upon all Wines, Brandies, Rum and other Goods Imported, &c., for one year, to commence from the last day of July next. Vote upon file.

Consented to by the Governor and Council, and ordered that the Secretary draw a Bill accordingly.

The memorial of Richard Jose, high Sheriff of said Province, relating to the insufficiency of the Goal of this Province, several prisoners having made their escapes thereout, read at the Board, and on file.

Ordered, that John Plaisted, Esq., and Mr. John Pickering, be appointed a committee to view the said Goal and forthwith make report to this Board of what may be necessary to be done for making the said Goal sufficient and strong, whereby prisoners may not escape, and what the charge of so doing may amount unto.

A bill was sent up to this Board for settling a salary of one hundred and sixty pounds per annum upon his Excellency Joseph Dudley, Esq., Governor, &c., during the Queen's pleasure, to continue the said Colonel Dudley's Government, &c., was read three times at this Board and ordered to be engrossed.

Adj^{d} till ten o'clock, ante meridiem.

[P. 190.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t}, on Thursday the 26th day of April, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Hinkes,	Esqrs.	Saml Penhallow,	Esqrs.
John Gerrish,		Henry Dow,	
George Jaffrey,		John Plaisted,	

Mr. Nathaniel Hill, one of the House of Representatives, brought up the following vote, in hæc verba:

Whereas, his Excellency, our Governor, this day was pleased to communicate unto the Representatives of this Province the consideration of the state thereof, referring to Mr Allen's claim, and that there was a fair opportunity

of ending of all differences thereabout, left the same to their consideration :—

Voted, That the Constables of each Town within this Province be forthwith required to convene the freeholders of their respective towns to meet at their usual places of meeting, on Monday the thirtieth of this instant, by ten of the clock in the forenoon, then and there to make choice of two of their principal freeholders of each town, with full power from themselves and their community, to meet at Portsmouth, on Tuesday the first day of May, by twelve of the clock that day, to join with the representatives of this Province as a committee to discourse, debate and determine what may be most advantageous for the benefit of this Province, relating to Mr. Allen's claims of the same.

April the 25th, 1705.

Past by the House of Representatives.

SAM'L KEAIS, Clerk.

Eodem die.

Consented to by his Excellency and Council.

Cha. Story, Secretary.

Adjd till to-morrow morning, 10 of the clock.

[P. 191.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, the 27th April, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Gerrish, George Jaffrey, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Henry Dow, Esq.

Samuel Penhallow, Esq., his debenter, amounting to four pounds, seven shillings three pence, for fire wood and paper for the secretarys and other public disbursements, allowed and ordered to be paid out of the Treasury in course, &c.

Adj^{d} till to-morrow, 10 of the clock, ante merediem.

Met Saturday the 28th, adj^{d} till Tuesday next, 10 o'clock, ante merediem.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Tuesday, the first day of May, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

John Gerrish, Geo. Jaffrey, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Henry Dow, Esq.

Col. Romer was sent for to this Board to settle his accounts about reforming her Majesty's fort, W^{m} and Mary; and accordingly Colonel Romer delivered in his accounts to this Board.

Adj^{d} till to-morrow morning, 10 of the clock.

[P. 192.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Wednesday the 2^{d} day of May, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Peter Coffin, John Gerrish, Robert Elliott, } Esqrs. George Jaffrey, Saml Penhallow, John Plaisted, } Esqrs.

Henry Dow, Esq.

John Walker, his debenter, amounting unto 2^{lb} : 1^{s} : 0^{d}, for his attendance upon the Council, and pressing of men for her Majesty's service, allowed and ordered to be paid in course, &c.

Upon reading the petition of the inhabitants of Kingston, praying to return, &c.,

Ordered, that the petitioners have liberty to return thither at Michælmas,* provided they be not less than thirty fami-

*A festival of the Catholic church, celebrated September 29th.

lies, that they lay out in the centre of their place a fort, and a Lot for the parsonage there, and that they settle an able Orthodox minister within three years next coming, and they have leave to renew their grant, with these conditions.

Ordered, that the supply of the service of the War, for soldiers and other incidental charges during the recess of the Assembly, shall be made by the Treasurer, by warrant from the Governor and Council, and paid and answered to him out of the present tax, by warrant for the same.

These two several Bills, having past both Houses, were consented to by his Excellency and by him signed accordingly:

A Bill for settling a salary of one hundred and sixty pounds per annum upon his Excellency Joseph Dudley, Esq., Governor;

A Bill for continuing several Rates and duties of custom, Excise, Impost, &c.

Adj^{d} till to-morrow morning, 10 of the clock.

[P. 193.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^{t}, on Thursday the 3^{d} May, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Peter Coffin,	Esqrs.	George Jeffrey,	Esqrs.
Robert Elliott,		Saml Penhallow,	
John Gerrish,		John Plaisted,	

Henry Dow, Esq.

Mr. Secretary Story's debenter, am^{o} to fifty nine pounds, eighteen shillings, for his service as secretary from the 17th May, 1704, to the 17th May, 1705, being approved by the Assembly, was this day allowed by his Excellency and Council, and ordered to be paid out of the present Rate in course.

Mr. Attkinson's debenter, am° to 32^{lb} : 7^{s} : 10^{d}, for soldiers' wages, shallop hire, and material for the fort, was allowed and ordered to be paid in course.

Mr. John Campbell his petition, relating to an encouragment for the Post Office, was this day read, and ordered that six pounds be paid him out of the next province Rate, for his Extraordinary Service in forwarding his Excellency's and the Government letters for her Majesty's service relating to this Province, and to be in full for the year past and until the 18th June next.

Ordered, that Mr. George Jaffrey be appointed to audit the account of the Officers and soldiers at the fort for the two years last past, ending the 17th May next, and make a true Muster Roll, and that the secretary give notice to the several officers and soldiers aforesaid, to bring an account of what is due to them to the said Mr. Jaffrey.

Ordered, that Mr. Treasurer for the future pay orderly to the several creditors to the Treasury of this Province, that is to say, according to the several dates of the warrants, signed by the Governor in Council, except by express order of the General Assembly, or the Governor in Council, for special and immediate service of the Province ; — All other payments to be accounted disorderly, and shall not be allowed.

Voted in Council. J. DUDLEY.

Cha. Story, Secretary.

[P. 194.] Mr. Jaffrey and Mr. Plaisted are appointed a committee to inspect and Audit the Treasurer's accounts, and to make the Defalcations ; Ordered, and they are to take care that there be no defalcation for more upon Beef and Boards than was *bona fide* received and paid upon the province Account.

Mem^{d} : there is not to be allowed any defalcation in the payment of Beef to the soldiers of the Garrison or elsewhere, nor to laborers or handy crafts men, who are ordered

to be paid as the provisions are set by the Assembly in the tax. Signed in Council.

Per Order J. DUDLEY.

Cha. Story, Secretary.

Adj^{d} till to-morrow morning, 10 o'clock.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, on Friday the fourth day of May, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Peter Coffin,	Esqrs.	John Plaisted,	Esqrs.
John Gerrish,		Saml Penhallow,	
George Jaffrey,		Henry Dow,	

A Bill for raising of eight hundred pounds for defraying the public charge of this Province, being three times read and consented to by the Assembly, was past and enacted.

Prorogued till Wednesday, the 25th of July next, 10 of the clock, forenoon.

[P. 195.] At a Council and General Assembly, at Portsmouth, on Wednesday, the 25th July, 1705.

Present,

Peter Coffin,	Esqrs.	George Jaffrey,	Esqrs.
Robert Elliott,		Saml Penhallow,	
Nathl Weare,		Henry Dow,	

Additional instructions to his Excellency Joseph Dudley, Esqr., Capt. General and Commander in Chief, &c., of the Province of New Hampshire, in New England, in America, &c., was read at this Board, and ordered that the Secretary enter the same in the Council Book.

Ratification of the Act obliging the inhabitants of her Majesty's Province of New Hampshire to do Military service, was read at this Board, and Ordered that the Secretary enter the same in the Council Book.

Capt. Rednapp, her Majesty's engineer, was sent for to this Board, being asked if he had finished the breach of the two angles of her Majesty's fort, William and Mary, at Newcastle, and if he had any occasion to complain for want of laborers or workmen; Answered, he had finished what he was directed by his Excellency and this Board to do, and that he had been well attended with laborers and workmen.

Ordered, that Capt. Walton, Commander of her Majesty's fort, William and Mary, forthwith dismiss all the Quakers under confinement in the said fort, and signify the same to Capt. John Tuttle, of Dover, And that the said Quakers had done no duty at the said fort; and that the Secretary issue forth an order to Capt. Walton accordingly.

Pursuant to his Excellency's Letter of the 15th July, 1705, signifying that the Secretary's defalcations upon Beef might be considered, and that 17lb: 14s, being the remaining of the Treasurer's account, be Ordered to be paid the secretary, till a further consideration at his Excellency's next coming there,

Ordered, that the Treasurer pay the Secretary the said 17lb: 14s, accordingly.

Ordered, that the Treasurer deliver three barrels of Powder to Capt. Walton, which he received upon Tonnage of shipping for the Province use, and that the Treasurer take Captain Walton's receipt for the same.

[P. 196.] Lt Attkinson deld into this Board an account of all the guns, stores, &c., belonging to her Majesty's fort, Wm and Mary, as upon file.

Samuel Penhallow, Esq., Treasurer and Commissary General, took the following Oath:

That since the year 1699, he hath received of all ships

or vessels coming into the River the full duty of powder money or species, according to their Tonnage, and the Acts of this Province for such duty, excepting only the two Mast ships, who have several times been abated by Orders of Council, or excepting any other in the like nature.

Upon the request of Robert Smart, son of Robert Smart of Exeter, in said Province, deceased, and reputed brother to John Smart formerly of said Exeter and late of New York, deceased, desiring to be so certified under the public seal of this Province, and several of this Board well know the same,

Ordered, that the Secretary draw a certificate accordingly, to be signed by the first nominated person in the Council, and counter signed by the Secretary, and to affix the public seal of the Province Thereto.

Pursuant to his Excellency's Letter of the 17th instant, Ordered that the Assembly be prorogued till the first Wednesday in October next, and that the Secretary give notice to the Assembly accordingly.

[P. 197.] ANNE R.

[Duplicate.] Additional Instruction to our Trusty and well beloved Joseph Dudley, Esq., our Capt. General and commander in chief of our Province of New Hampshire, in New England, in America; and in his absence to the Commander in Chief of our said Province for the time being. Given at our Castle at Windsor the 17th day of July, 1704, in the third year of our Reign.

Whereas by the third article of our Instructions to you, according to several Laws relating to the Trade and navigation of this our kingdom of England, and our colonies and plantations in America, You are required to take care and give in charge that no goods or commodities whatsoever be imported into, or exported out of, our Province of New Hampshire under your government, in any ships or vessels, but in such whereof the master and three fourths of the Marriners, at least, are English; and whereas by a clause in an act past the last session of Parliament, entitled an act for raising recruits for the land forces and marriners, and for dispensing with part of the act for the encourage-

ment and increase of shipping and navigation during the present war (copy whereof you shall herewith receive), It is enacted that during the present war and no longer, The number and proportion of marriners to sail in such ships or vessels, which by laws now in force are limited to the master and three fourths of the Marriners to be English, shall be enlarged to the master and one moiety of the marriners at least to be English: It is our will and pleasure that you take care and give in charge to the proper officers that the said act be observed in our Province of New Hampshire, under your government, during this present war accordingly. A. R.

[P. 198.] Copy of a clause of an Act past in the third year of her Majesty's reign, entitled, An Act for raising recruits for the Land forces and Marines, and for dispensing with part of the Act for the encouragement and increase of shipping and navigation during the present War:

And whereas, by the Laws now in force, the navigating of shipps or vessels in diverse cases is required to be the master and three fourth part of the marriners at least being English, under divers penalties and forfeitures therein contained; And whereas, great numbers of seamen are employed in her Majesty's service, for the manning of the Royal Navy, soe that it is become necessary during the present war to dispense with the said laws, and to allow a greater number of foreign marriners for the carrying on of Trade and Commerce: Be it therefor enacted by the Authoritye aforesaid, that during the present Warr, and no longer, the number and proportion of marriners to sail in such shipps or vessels, which by any law now in force are limited to the master and three fourths of the marriners to be English, shall be enlarged to the master and one moiety of the marriners at least to be English; And that it shall and may be Lawful to and for the owner and owners of any such shipp or vessel to navigate the same with such marriners, whereof the master and one moiety of the marriners at least

shall be English, without incurring any penaltye or forfeiture for so doing; and without subjecting the goods or merchandize loaden on such ship or vessel to any other Customs, duties or payments than should have been paid for the same in case the same shipps or vessels had been navigated by a master and three fourths of the marriners being English, any former Law or statute to the contrary thereof in any wise, notwithstanding.

[P. 199.] 22d November, 1705. The General Assembly met, and, pursuant to his Excellency's Letter of the 16th of November instant, the said General Assembly were prorogued until the 29th day of November, at twelve o'clock.

29th November, 1705. The Assembly met, and, pursuant to his Excellency's letter of the 26th November, they were prorogued to Thursday, the sixth day of December, at twelve of the clock.

6th December. The Assembly met, Pursuant to his Excellency's letter of the third of this instant December. The Assembly were prorogued till the thirtieth instant, at twelve o'clock.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmo, by prorogation, the 13th December, 1705, Ante Meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governor,

Peter Coffin,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Ellott,		John Plaisted,	
George Jaffrey,		Henry Dow,	

The Assembly being sent for to this Board, accordingly came, and his Excellency made the foll. speech:

Gentlemen:—

It is eight months since your last recess, during which time by the favor of Almighty God, the Province has been safe in all parts,

notwithstanding the scouts of the enemy look upon us everywhere. It is what I expected from the distance the Indians are now lodged from us; And therefore I abated any standing forces and counted a small marching party for a short time sufficient; but our security this winter must depend upon a large circular march once a month at least, for which I shall give speedy order; And if the ordinary marches of the forces in the Province of Maine be duly kept, and the poor people will bear the inconveniences of their strict Garrisons, we shall be safe.

Mr. Treasurer acquaints me the Province is in Debt, which I have directed him to lay before you, which with the growing charge must be provided for.

I must acquaint you that I have before me the complaint of the officers that followed Lt. Colonel Hilton to Neridgawack, that they were paid no otherwise than private sentinels. I am sure you will allow me to march the Queen's Subjects in this necessary service, as I shall think fit; and when I have soldiers I must have officers, and they must be paid. I have used all methods possible to keep the Province easy, and you shall not need to study that point lest you discourage your best men to the hurt of the service; for though I can draw men out of the files, Officers expect, as they deserve, other treatment, or the service will utterly fail.

If you have any thing for the benefit of the Province to offer me, I shall heartily put it forward as the short session will allow.

[P. 200.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, the 13th day of December, 1705, Post Meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Peter Coffin,		John Plaisted,	
Robert Ellott,		Henry Dow,	
George Jaffrey,			

Major Wm Vaughan, Esq., was sworn a member of Her Majesty's Council, and took the oaths appointed by Law, &c.

Thomas Phipps, Esq., was sworn Clerk of the Council (Pro hac vice) and took the oaths appointed by Law, &c.

Upon application of Robert Ellott, Esq., for abatement of impost, &c., amounting to ten pounds, which became due for goods brought into this Port in a vessel that was taken by the French which he had redeemed at a very dear rate,

Ordered, that the said sum of ten pounds be abated.

Upon reading the petition of John Abbett, about his son that is gone hostage with the French, George Jaffrey, Esq., appearing, made answer that due care was taken for the redemption of his son, Joseph Abbett, and that Mr. Jaffrey's correspondent, Mr. Lucas, in Antegoe, had so assured him.

Upon reading the petition of Mr. John Campbell for an allowance from this Province to encourage the Post Office,

(Made out 22d 8br, 1706.)

Ordered, that he be paid six pounds out of the Treasury when the next Province rate is collected.

Adjd till ten o'clock to-morrow morning.

[P. 201.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Saturday, the 15th of December, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Ellott,		Henry Dow,	
Peter Coffin,			

The Council consented to a vote of the Representatives, referring to a Deed of Land on file, belonging to William Partridge, Esq., that he have the original, leaving a copy on file with the keeper of the papers.

Upon a petition from Richard Waldron, Esq., setting forth that in the ship Richard and Margaret, late arrived from Barbadoes, there were certain goods shipped by bills of loading for the port of Boston in the Massschusetts Province, which goods being imported into this Province,

the Treasurer demands the Impost thereupon; notwithstanding are *bona fide* belonging to Boston, and not intended to be landed or sold here, but to be sent to Boston accordingly.

Ordered, that the duty be not presently taken by the Treasurers, but that the said Waldron be obliged to return, within two months, a certificate from the proper officer in Boston, that they are there landed, and that the petitioner be thereupon discharged of the said Impost.

And that this be a rule in like cases referring to any duties of Impost payable by the Act of Assembly, and not otherwise.

Col. Partridge informing the Governor and Council that there was advanced to Lieutenant Colonel Hilton, for his company of volunteers to Narridgwack, four pounds, seaven shillings and six pence, in rumm from the Massachusetts Commissary at Casco Bay, for which his note is out,

[P. 202.] Ordered, that the Treasurer pay the said four pounds, seaven shillings and six pence to the commissary aforesaid, he giving up the said Colonel Partridge's letter, and Hilton's receipt with a discharge there upon.

Adj^{d} till Monday, 10 o'clock, Ante Merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t} the 17th of December, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor,

Robert Ellott, George Jaffrey, } Esqrs. Henry Dow, Saml Penhallow, } Esqrs.

Mr. George Jaffrey produced a letter dated the 16th of August, under Mr. Lucas his hand, wherein he assures him that effectual care was taken for the ransom for Joseph Abbett, who was left Hostage with the French.

Upon reading a petition exhibited to this Board by John Pindar and Sarah his wife for a new hearing of a certain complaint, heard formerly at the Quarter Sessions,

In answer to the petition, the Govern^{r} and Council being advised that the matter has been once reheard by the Sessions by direction of this Board, see not reason further to be troubled therewith; but for that Pindar prosecuted in her Majestie's name doe direct that there be noe execution granted against him for charges of that prosecution until the Session may assign their reason for that order before this Board, it being usual in those cases that each party bear their own charges.

Upon reading the petition of Theodore Attkinson, Esq.,

[P. 203.] Ordered, that he be allowed the sum of twenty seven pounds, as under written to his account, on the conditions therein expressed.

Upon application of Mr. George Jaffrey for pay of ten wheel Barrows,

Ordered, that he be allowed fifty shillings by the Treasurer out of the next Province Rate.

Adj^{d} till three o'clock, post merediem.

[P. 204.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t} on the 17th day of December, 3 o'clock, Post merediem, anno Domini 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Peter Coffin, Robert Ellott, } Esqrs. George Jaffrey, Saml Penhallow, } Esqrs.

Henry Dow, Esq.

Whereas, Mr. Treasurer Penhallow signified unto this Board, that the money in specie received in the Treasury did not amount to the Governor's salary:

Ordered, that at the making up of his year's acc^{ts} he be

allowed the just sum of the difference of money or other species in payment to make up the same.

Mr. Treasurer's Account, amounting to 21lb : 17s : 8d, being for supply of the soldiers, &c., with provisions, was allowed of, and ordered to be paid him out of the present 800lbs Rate.

Upon reading the petition of Francis Jennings, it being on the day before his Excellency went out of the Province :

Ordered, that the minutes of that Trial in the Quarter Sessions be laid before his Excellency in Council at their next meeting.

Edward Polly, his debenture, amo to 2lb : 11s : 0d, for Rideing Post to the 22d October, 1705, was allowed, and ordered to be paid out of the next Province Rate.

(Warnt out 30th July, 1706.)

Upon the Report of Capt. Pickering and Lieutenant Pearce referring to the line of fortifications about the town of Portsmouth :

Ordered, that Lieutenant Pearce and Ensign Loe forthwith proceed to see those particulars finished, agreed betwixt Pickering, Samuel Thompson and James Libby, either by the said Thompson and Libby or other carpenters if they [P. 205.] see meet; and that the late & present clerks of the company in the town do attend Lieutenant Pearce, with the list of payments set upon the inhabitants of the Town; And that the Constable do assist in the collecting the remainder of that tax, and enable Lieutenant Pearce to pay for the work accordingly; and the secretary to give out warrants according to this order.

The following vote was sent up to this Board by the House of Representatives, in hæc verba sequen :

The Representatives being informed that the General Assembly of the Massachusetts have given to Mr. Daniel Greenleafe, minister of the Isle of Shoals, fourteen pounds, provided this Province pay six pounds more for his support,

Voted, that the Treasurer pay six pounds to Mr. Greenleafe for his encouragement in the ministry at Starr Island.

Per Sam[l] Keais, Clerk.

17th Dec., 1705.

Eodem die. Consented to by the Council.

Thom. Phipps, Clerk of the Council.

Adj[d] till to-morrow morning, Ante merediem.

[P. 206.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth according to adjournment, the 18th of December, 1705.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Peter Coffin, George Jaffrey, } Esqrs. John Plaisted, Henry Dow, } Esqrs.

Sam[l] Penhallow, Esq.

Capt. Nathan[ll] Hill brought up an answer from the House of Representatives to his Excellency's Speech,—as on file.

[Copied from Gov.'s Messages, &c., in Secretary's office.]

May it please your Excellency:—The Representatives of this her Majesty's Province, convened in General Assembly, doe with all humbel grattitud acknowledg your Excellency's care for y[e] defense of this her Maj[ty's] province, under your government.

As to what the Treasurer has given in as an estimat of Debts, we have made inquiry into it, and we are well satisfyed that ther is but a small matter claymed by sundry persons. As to y[e] growing charges, it is unsertayn; we know ther will be dew to your Excellency and her Majesty's fort at New Castle, considerabel when the year is up, which must be taken care of; but at present hope y[t] y[e] income of the Province may answare insident charges. As to the officers, the Assembly raysed one hundred and fifteen pounds for y[e] defraying y[e] expedition Eastward, besids twenty seaven pounds odd money which those soulders reseaved for blanketts, hatchets, &c., which we are humbly of opinion may be sufficient for both officers and souljers for those

twenty ode days march; notwithstanding we shall be always redey to give our assistance according to the uttermost capacity of the poor Inhabitants of this province, and ye season of the year will admit of. Sam^ll Keais, Clark.

Desmb^r 18th, 1705.

May it please your Excellency; whatever just Debts shall apeare Dew from ye Province, the Assembly will tack care in ye spring of ye year that money be raysed for payment thereof.

Capt. Peter Coffin and Mr. John Plaisted sent down to the Assembly by this Board.

The Assembly sent up a vote for joining Capt. Henry Dow, Major Joseph Smith and Mr. James Philbrook with the committee of the Massachusetts to run the line between the two Provinces of the Massachusetts and New Hampshire, from the Sea to the extent of Hampton and Kingstown: consented to by the Council, adding Nathl Weare, Esq., one of the committee.

Colonel Thomas Packer's debenter for entertaining the Honorable the Lt Governor, and expenses upon the troops amounting to three pounds, one shilling and two pence, was allowed and ordered to be paid in course.

(Made out 22^d July, 1706.)

Capt. Henry Dow, his debenter for provisions for the soldiers upon our expedition to Neridgawack, am^o to two pounds, sixteen shillings and five pence, was allowed and to be paid out of the next Province Rate for the use of Hampton.

(Warn^t out 30th July, 1706.)

Capt. John Woodman, his debenter for expenses in transporting letters, &c., for her Majesty's service, am^o to one pound, six shillings, was allowed and ordered to be paid in course, if not past in Col. Packer's last account.

The soldiers seven shillings each yet due, to make them equal to the Massachusetts.

Lt Col. Hilton, eight pounds.

Lt Chisley, three pounds already paid.

[P. 207.] For Summer.

Lieut. Colonel Hilton for scout, eighteen pounds.

(Warnt out 26th July, 1706.)

Lieut. Chisley, ten pounds.

(Warnt out 22d October, 1706.)

James Johnson, Ensign, 50s; already paid Abraham Bennick, field marshal, one pound five shillings, besides what recd.

The several above accounts are allowed in Council.

William Cotton, his debenter for pork to supply the soldiers, horse-hire, &c., amo to four pounds, ten shillings, allowed in Council, provided he bring a certificate from the military officers of Portsmouth, and satisfy the Council that it was expended in the Province Account.

Mr. Thomas Phipps was sent down to the Assembly with a vote to them for continuing the act about raising a stock of provisions in each town.

John Walker's debenter for his attendance upon the Council from November, 1704, to the 18th of December, 1705, amo to four pounds, was allowed in Council and ordered to be paid in course.

(Warnt out 18th Dec., 1705.)

(Another warnt out 19th July, 1706.)

Mr. Wm Furbur, one of the House of Representatives, was sent up to this Board with a vote about repairing the prison, appointing Mr. Wm Cotton to join with whom this Board shall assign to attend that matter.

Ordered, that John Plaisted, Esq., and Mr. Cotton see to the repairing thereof forthwith; and the Treasurer pay for the same out of the Treasury.

Upon the humble application of Capt. John Knight of Dover, near Bloody Point, setting forth that the ferry there kept to Hilton's Point belonging to Dover Neck, and the other from the said Bloody Point to Kittery Neck, were always holden by the inhabitants of Trickey's farm, which

now is his by purchase, and there upon humbly prays that the right of the said ferrys may be conferred upon him.

It is accordingly agreed, that the Governor be desired to give him a patent for the said ferrys, he not demanding more than twelve pence for every horse and man at each ferry, and three pence for every single person without Horse, he always taking care that there be Boats always ready, that there be no complaint thereupon.

[P. 208.] Voted in Council that every town and precinct in this Province forthwith provide a Store of provisions to be ready for the march of soldiers, according to the Act of the 6th October, 1703; which being sent down to the Assembly they returned the following vote, viz.: Past by the Assembly to say for that part of the Act to be revived only for provision for one year, and no longer, and that pork be paid at three pence per pound, and biscuit at two pence half penny per pound, or money.

Per Saml Keais, Clerk.

Dec. 18th, 1705.

Ordered, that the Secretary do forthwith give out warrants to the selectmen of each town, to raise the provisions according to the law. Upon hearing the account of Mr. Commissary Whittemore, Ordered, that Mr. Jaffrey and Mr. Penhallow be of a committee to examine the accounts and the officers about the receipt of the several articles in the same, and report the same to the next sessions of the Governor and Council. The Article of four pounds, seven shillings and sixpence, being already ordered by this Board.

An Act past entituled an Additional Act for the more equal assessing and collecting of public taxes in this Province: —

Ordered, that whereas the session of December for this present year is already past, the Justices resident in the several towns are hereby directed and empowered to appoint

the persons for their several Towns in the Act, and administer the oath to them severally, and that the same be good and effectual for the orders and Services in the Act mentioned. Past in the Assembly this present session.

Past in the Council,

The Representatives consenting.

THOMAS PHIPPS,
Clerk *pro tempore* of the Council,
SAML. KEAIS, Clerk.

18th December, 1705.

The Assembly was adjd by his Excellency until the first Thursday in April, 10 of the clock, forenoon.

Met, and adjd by proclamation to the first Wednesday in May, 10 of the clock, Ante merediem.

[P. 209.] Met, and adjd till the 9th of May next, 10 of the clock, ante merediem.

Met, and adjd till Wednesday, the 10 of July, Ante merediem.

Met, and adjd till Wednesday, the 17th July next, 10 of the clock, ante merediem.

Province of New Hampshire.

At a Council and Genll Assembly held at Portsmouth by adjt on Wednesday, the 17th of July, 1706, ante merediem.

Present,

The Honourable John Usher, Esq., Lt Governour,

Major Wm Vaughan, Robert Ellott, } Esqs. George Jaffrey, Saml Penhallow, } Esqs.

Henry Dow, Esq.

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, who accordingly came, and his Honour the Lt Governour made the following Speech, in hæc verba sequen (viz.):

Gentlemen,—The pressing occasions of the warr, both by sea and land, prevents his Excellency's meeting you in person at this present session.

By his Excellency's direction, I am come into this his Majesty's Province, and am to acquaint you that it is absolutely necessary for the raising of money for the payment of Debts due from the Province, and a supply for the service of the warr.

The Enemy surrounding and pressing upon us, and for want of a fund in the Treasury for supply of provision, &c., there can be no march against the enemy, and judge not less than five hundred pounds, besides payment of debts, is requisite; your proportion of Rates equal to your neighboring Government this year, would Am° to two thousand two hundred pounds.

[P. 210.] I acquaint you by reason of Col. Hilton's having not a supply of provisions, he cannot march for security of the Province, and there is no credit in the Treasury.

I present you with his Excellency's Letter as to this weighty affair, not doubting of your readiness and compliance therewith and dispatching of so great a concern, the preservation of her Majesty's subjects depending thereon; and nothing shall be wanting in promoting the same by me.

The Honble the Lt Governour was pleased to ask the Treasurer for an estimate of the Province debts, which was delivered in at this Board, Am° 1356 ^lb: 6 ^s: 0 ^d, and was sent down to the House of Representatives by Robert Ellott, Esq., and Mr. Treasurer, who was desired to lay the same before that Board.

Colonel Hilton was sent for to this Board to give an account of what provision was needful for the army, and was ordered to go to the House of Representatives and acquaint them with the same.

Adj^d till 3 o'clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t} on Wednesday, the 17th July, Post merediem, Anno Domini 1706.

Present,

The Honble John Usher, Esq., Lt Governor,

Major Wm Vaughan, Robert Ellott, } Esqs. George Jaffrey, Saml Penhallow, } Esqs.

Henry Dow, Esq.

Theodore Attkinson, his account about billeting of laborers at the fort W^{m} and Mary, and for overseeing the sodd work at the said fort, and for cutting of sodds upon Mr. Cutts' land, Am^{o} to twenty-seven pounds, was allowed in Council.

Mem^{d}, that I issue no warr^{t} out for the paym^{t} till further order.

Adj^{d} till Friday, two o'clock post merediem.

[P. 211.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Friday, the 19th of July, by adj^{t}, Post merediem, Anno Domini 1706.

Present,

The Honble John Usher, Esq., [L^{t}] Governour,

Major Wm Vaughan, Peter Coffin, Robert Ellott, } Esqs. George Jaffrey, Saml Penhallow, John Plaisted, } Esqs.

Henry Dow, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives to acquaint them that if they had anything to offer to this Board, to send the same up.

The House of Representatives sent up the following vote, in hæc verba sequen:

Voted, that for the supply of provision for the forces that shall be sent forth against her Majesty's French and

Indian enemies, there be a Rate forthwith made on all persons and estates throughout this Province, to the value of one hundred pounds money, and paid unto the Treasurer by the first of September next coming.

Per SAML. KEAIS, Clerk.

Read in Council and voted that a Bill be drawn and past into an Act, and that the Towns be proportioned.

Cha: Story, Secretary.

The several Acts following having been three several times read, was past and enacted:

An Act for Raising of 700lbs.

An Act for continuing of Excise, Impost and tonnage of shipping.

An Act for supply of the forces with provisions.

Mr. William Cotton's debenter, Amo to 4 lbs: 10 s: 0 d, for one barrel of pork for her Majesty's service, and for a Horse and a man to wait upon the Lt Governor to Boston, was read at this Board, and ordered to be paid out of the Treasury in course.

Mr. Samuel Penhallow, his debenter, Amo to 12 lb: 3 s: 2 d, for provisions and other necessarys for the forces marching against the enemy, Allowed and ordered to be paid out of the 100lbs rate for supply of the forces.

Prorogued till Wednesday, the 24th instant, 10 of the the clock, ante merediem.

[P. 212.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Wednesday the 24th July, 1706.

Present,

The Honble John Usher, Esq., Lieut. Governor,

Major Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Ellott,		John Plaisted,	
George Jaffrey,		Henry Dow,	

Ordered, that George Jaffrey and Samuel Penhallow,

Esqrs., be appointed as a Committee to join with a Committee of the House of Representatives to consider of wording an address to be sent to her Majesty, relating to his Excellency the Governour.

A vote was sent up from the House of Representatives that William Cotton and Samuel Keais be a Committee to join with the committee of this Board in drawing and wording the address above mentioned, which was consented to by the Council.

Adj^{d} till to-morrow morning, 10 of the clock.

[P. 213.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 25th July, 1706, ante meredíem.

Present,

The Honble John Usher, Esq., Lieut. Governour,

Major Wm Vaughan, George Jaffrey, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Henry Dow, Esq.

An Address to the Queen's Majesty is agreed upon and drawn up by both Houses in these words foll:

To the Queen's Most Excellent Majesty.

The humble address of your Majesty's Council and Representatives of your Majesty's Province of New Hampshire, in New England, convened in General Assembly,

Most humbly sheweth: —

That your Majesty's Loyal Subjects, the Inhabitants of this Province, having been always happy since your Majesty's accession to the Crown under your Majesty's protection and Government, are humbly bold to acquaint your sacred Majesty, that notwithstanding the very great troubles this little Province lies so immediately exposed unto by the barbarous savages and French, our neighbors; Yet by the good Providence of Almighty God, the courage, care and prudence of Colonel Dudley, your Majesty's Capt. General and Governour, we have been exceedingly preserved beyond what has been in former wars; and are perfectly satisfied with the disposal of the people and arms of the Province and the just ex-

pences of our money at all times under our present Governor's management, as well as the administration of the civil Government, and humbly pray, if it may consist with your Majesty's pleasure, that he may be continued in the Government of this Province; which we are well assured will always have a tendency to the promotion of your Majesty's interest here as well as the ease and satisfaction of all your Majesty's good subjects, inhabitants therein.

And wee further pray to be admitted, as the meanest of your Majesty's most dutiful subjects, [P. 214.] humbly to congratulate your Majesty's most glorious success against the common enemy; which that they may be perfected, and that your Majesty's victorious arms may give a happy and lasting peace to Europe, is the prayer of

Your Majesty's
Most dutiful and obedient Subjects.

JOHN PICKERIN,
Speaker.
Signed in presence
and by order of the
House of Representatives.

CHAS. STORY, Secretary.
Signed in presence and
by order of the Council.

Voted, that the Honourable the Lieut. Governour be humbly desired to cause this Address to be laid before her most Excellent Majesty, in behalf of the Council and Assembly. Per Order of the House of Representatives.

Sam[l] Keais, clerk.

Consented to by the Council the 25th July, 1706.

Chas. Story, Secretary.

The Lieut Govern[r] was pleased to acquaint this Board, that according to their request he would transmit the said Address with all possible expedition to her Majesty.

Adj[d] till three o'clock, post merediem.

His Honour acquainted this Board that his Excellency was come into the Province and would sit in Council this afternoon.

Hampshire, to his Government, and communicated a letter from the Honble the Lords Comm^s of Trade and Plantations, dated Whitehall, May the 31st, 1706, which was accordingly read, and a Thanksgiving day appointed on Thursday, the 17th instant.

Adj^d till 3 o'clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth by adj^t on Tuesday, the 15th October, Post merediem.

Present,

Major Wm Vaughan,	Esqs.	Saml Penhallow,	Esqs.
Robert Ellott,		John Plaisted,	
Geo. Jaffrey,		Henry Dow,	

The honorable the Lt Governour delivered a memorial to this Board, relating to service of her Majesty and his great disbursements, &c., in hæc verba sequen:

[P. 219.] Province of New Hampshire.

To his Excellency Joseph Dudley, Esq., Governour and Commander-in-Chief of her Majesty's Province of New Hampshire, and Council. The humble applications of John Usher, Esq., Lt. Governour said Province, Sheweth:—

May it please your Excell^y and this Board, her Majestie in her gracious Letter, dated Whitehall, 20th April, 1703, pleased to direct the Governor of this Province to lay before the Assembly that in regard of her Majesty's receiving her good subjects of this Province under her imediate protection and Government, that they do forthwith settle a constrainte* and affixed allowance upon her Majesty's Governour and Lieutenant Governour for time being, reference to said letter being had more amply appear.

For these three years have served her Majesty as Lieutenant Governour, both in summer and winter, on all occasions, pursuant to Orders and directions from his Excellency; from time to time have been at Great disbursements for my Lodgings and dyet for which never allowed any thing, besides expence of time.

Desire this honorable Board will take same into consideration,

* Constant?

that there may be allowance for his disbursements and service in this her Majesty's Government; all which is humbly submitted to by JOHN USHER.

New Castle, 15th October, 1706.

15th October, 1706. Read in Council, and to be read again tomorrow.

[P. 220.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt on Wednesday, the 16th of October, 1706.

Present,

His Excellency the Governor,

Major Wm Vaughan, John Gerrish, Geo. Jaffrey, } Esqs. Saml Penhallow, Henry Dow, } Esqs.

Mr. Secretary was sent down as a message to the House of Representatives to call them to this Board, who accordingly came, and his Excellency the Governour made the following speech, in hæc verba sequen:

Gentlemen,—I am glad to meet you to congratulate you of the happy news of her Majesty's glorious victory in Spain and Flanders, and of your own preservations in both the Provinces the summer past, notwithstanding the frequent marches of the enemie upon the frontiers.

I have endeavored to keep the expence as low as the security of the inhabitants would allow; and I am glad to be with you at your solemn Thanksgiving to Almighty God for all these his blessings.

The Summer expence is not fully provided for, the Treasurer's accounts will shew you, which you will take care of; and if there be anything necessary for the benefit of the Province, I shall be always ready to agree and represent it to your advantage, and you may not doubt of her Majesty's favor while you continue to do your duty for the just honors of the crown and your owne preservation.

16th October, 1706.

Mr. Bridger's commission was read as surveyor of her Majesty's woods, &c., and the Governour acquainted the Council that from letters from the Rt Honble the Lords

Comm[s] of trade and plantations, [P. 221.] he was commanded to be assisting to the said surveyor, and to put forward the . . . . after which Mr. Bridger's memorial was read, and ordered to be sent down to the Representatives. And the secretary was further advised on Friday, to lay before the Assembly the present Laws for the securities of Great Timber, that the Surveyor may further propose what is necessary for her Majesty's service in putting forward naval stores.

Adj[d] till Friday, 10 of the clock, Ante meredicm.

Commission of John Bridger, Esq.

[Copied from "Commissions," &c., in Secretary's Office.]

NOTE.—The Editor has taken the liberty to abridge this Commission, omitting only those parts which are formal and repetitious.

ANNE R.

ANNE, by the Grace of God, Queen, &c. "Judging it to be of great advantage to our service, That all our Dominions be furnished with Masts, Pitch, Tar, Hemp and all other Naval stores from our said Colonies and Plantations: KNOW YE, That wee, reposing especial trust and confidence in the skill, diligence and integrity of the said John Bridger in and for the execution and performances of the several services abovementioned, and for other good causes and considerations us hereunto moving, of our special grace, certain knowledge and meer motion, Have nominated, constituted and appointed, and do hereby nominate, constitute and appoint him, the said John Bridger, to be surveyor-general of all and singular our Woods within all and every our Plantations in the Continent of America, now growing or being, or which hereafter shall or may Grow and be within our said Colonies & Plantations, or any of them; and wee doe hereby direct, authorize and require the said John Bridger to instruct our loveing subjects within our said Colonies in making pitch and tar, raising and curing of hemp, and in all the matters relating to the production and the manufacturing of Naval stores there: To hold, execute and performe the said office of Surveyor General, during our pleasure, &c.; and we have thought fit to grant and allow unto him, the said John Bridger, a Salary, or yearly Sum of two hundred pounds of lawful money of England &c. . . And we do hereby authorize and require the said John Bridger, his Deputy or Deputies—at all convenient times and seasons in the year, to view and Survey all

our said Woods and Timber; and alsoe to mark such of the said Trees that now or hereafter shall be fitt and proper to be taken for the use of our Navy; and to keep a Register of the same; transmitting half yearly or oftener an Account of his proceedings herein to our High Admiral, or Commissioners for executing the office of High Admiral for the time being, to our High Treasurer or Commissioners of our Treasury, &c. . . . And, lastly, all our Governors, Lt. Governors, Justices, Constables, and all other our Civil officers within our said Colonies, &c. . . Are to be aiding, &c., the said John Bridger or his Deputys, &c., in the due execution of his and their duty," &c.

Given at our Court at Saint James, the twenty-fourth day of December, 1705; In the fourth year of our Reigne.

By her Majestie's Command.

GODOLPHIN.

18th October, 1706.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Friday, the 18th October, 1706.

Present,

His Excellency the Governor,

Major Wm Vaughan, Peter Coffin, John Gerrish, } Esqrs. George Jaffrey, John Plaisted, } Esqrs.

The Bill for the better collecting the duties of excise and to prevent Retailers of Liquors to sell without License was sent up to this Board to be enacted.

The Bill for reviving of Actions and processes lately depending in the Superiour Court of Judicature, of Assize and General Goal delivery, &c., within this her Majesty's Province of New Hampshire, and discontinued by the not holding of the said Court at Portsmouth, the second Tuesday in August last past, 1706, was sent up to this Board by the Representatives to be enacted.

[P. 222.] Ordered, that the Treasurer forthwith pay to the Honorable the Lieut. Governour four pounds, for his

Travelling expenses in coming into this Province for her Majesty's service.

(Order out.)

The Representatives' answer to the Lt Governour's memorial was sent to this Board in these words:

May it please your Excellency and Council,—As to what was presented to this House referring to the Lieut. Governour's application to your Excellency and Council, now before the Assembly, we humbly offer this, in answer: — According to her Majesty's direction, wee have done to the utmost of our abilities, and find that by your Excellency's Orders, several pounds every year has been paid by the Treasurer for defraying the Lt Governour's charges; should, if able, have been willing to have done more, but considering the poverty of the inhabitants and the great growing charges Risen and arising, are not capable of adding further at present.

Saml Keais, Clerk.

October 18th, 1706.

A vote about the Records was sent up to this Board, in hæc verba:

Forasmuch as the Assembly is informed that there remains one New Book of the Province Records in Samuel Penhallow, Esq.'s hand, all the rest being delivered unto Major Vaughan, the Recorder for the Province: The Assembly prays that your Excellency and Council would order the delivery of the said Book of Records to the said Recorder.

Past by the House.

Sam'l Keais, Clerk.

October 18th, 1706.

Eodem die, read in Council, and ordered that all the Books relating to the Recorder be put into his hands.

Cha. Story, Secretary.

[P. 223.] The memorial of John Bridger, Esq., was read at this Board, in hæc verba:

To his Excellency Joseph Dudley, Esq,, Capt. General and Governour in Chiefe of her Majesty's colonies of the Massachusetts Bay and New Hampshire, and to the Council and General Assembly of New Hampshire:

The memorial of John Bridger, Surveyor General of all her Majesty's woods, on the Continent of America,

Sheweth: —

That whereas her Majesty has been most graciously pleased by Her Commission to me granted and instructions commanded, to preserve and keep as much as in me lies, all her Majesty's woods from spoil and waste that shall or may be made for the future, by any of the inhabitants of her Majesty's colonies in America, pursuant to a clause in the charter of the Massachusetts Bay, which reserves all trees to her Majesty's use of twenty four inches diameter at twelve inches from the ground and upwards, from being cut, felled or destroyed, on the penalty or forfeiture of one hundred pounds to her Majesty, her heirs and successors, for every such tree cut, felled or destroyed, without her Royal license first had and obtained for the same:

And whereas there have been complaint made unto her Majesty of the spoil and waste made in her Majesty's woods; — I therefore in her Majesty's name, and by the authority to me granted, do for the time to come forbid all her Majesty's subjects to cut, fell or destroy any of the trees reserved as aforesaid, And do hereby request of his Excellency, &c., that he would be pleased to move and recommend the same to the Gentlemen of the Assembly; that they give notice accordingly to the inhabitants of their respective Counties or Towns, particularly to those whose livelihood chiefly consists in Logging and working in the woods, that they be very careful what Trees they fell in logging, &c.; especially those in the upper towns and Rivers adjacent; which trees if preserved would much lessen the charge her Majesty is now at in masting her royal Navy.

And I do hereby promise for my own part, that I will by no means or ways whatsoever restrain or hinder any of her Majesty's Loveing subjects from all lawful freedom, but will on all occasions and at all times, be ready and willing to be aiding and assisting to them or any of them, to the utmost of my power when the same shall be desired.

This memorial was sent down to the House of Representatives by Mr. Secretary Story.

The two several Bills following, having been three several times read and passed both Houses, were consented to by his Excellency, and by him signed accordingly, viz:

The Bill for the better collecting the duties of Excise and to prevent retailers of Liquors to sell without license.

The Bill for reviving actions and processes lately depending in the Superiour Court of Judicature of Assize and General Goale delivery, &c., within this her Majesty's Province of New Hampshire, and discontinued by the not holding of the said Court at Portsmouth, the second Tuesday in August last past, 1706.

Prorogued till Wednesday the first day of January next.

1st January, 1706. Met, and adjd till to-morrow, two of the clock, post meredicm.

2d January. Met, and adjd till Friday the 10th instant, 12 of the clock at noon.

[P. 225.] 10th January. Met, and adjd until Wednesday the 19th February next, 12 of the clock at noon.

19th February. Met, and adjd to the 26th March, 1707, 12 of the clock at noon.

16th March, 1707. Met, and prorogued till the 2d day of April next, 12 of the clock at noon.

2d April, 1707. Met, and adjd till to-morrow, 12 of the clock at noon.

3d April, 1707. Met, and adjd till Monday the 7th of April, instant.

[P. 226.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Monday, the 7th April, 1707.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Major Vaughan,	Esqrs.	Nath. Weare,	Esqrs.
Peter Coffin,		Saml Penhallow,	
Robt Ellott,		John Plaisted,	

John Gerrish, Esq., Henry Dow, Esq.

Mr. Secretary Story was sent as a message to the House

of Representatives to call that House to this Board, who accordingly came, and His Excellency to make the following Speech, in hæc verba sequen:

Gentlemen:—

The openness and uncertainty of the weather this winter has prevented us from doing what we intended against the enemy; yet we are to acknowledge the good Providence of Almighty God, that we have been preserved from any inroad, and have had so good an advantage against the Rebels the last March.

At the earnest solicitations and motion of the Assembly of the Province of the Massachusetts, I have entered upon an expedition to Nova Scotia and L'Acadie, to make what spoil I can upon our ill neighbors, the French there inhabiting, and shall have a thousand men ready in ten days' time with provisions and Transports, besides some assistants which I hope from her Majesty's Government of Connecticut and Rhode Island, and must expect a just quota from you for that service. I shall at present only draw out sixty volunteers with officers, for whom you will, I doubt not, take care to provide.

Mr. Treasurer will show you the present state of your Debts and what will be necessary for the advance, and I desire you will proceed chearfully to grant the supply; the time is very short, the day of the muster of the forces being the seventeenth instant, require me to be in the several parts, to review such men [P. 227.] as are raised,—That I must desire you forthwith to dispatch what is before you. I have always taken care that this little Province be not overburthened, and that your money may be justly expended; which I shall always continue to do, and expect your readiness to grant what is necessary accordingly.

A vote was sent up by the Representatives humbly offering their concurrence to the keeping a Fast, the 16th April instant, according to the Proclamation sent them from this Board, being upon file, and is in hæc verba sequen:

By his Excellency, JOSEPH DUDLEY, Esq., Captain General and Governor in Chiefe in and over her Majesty's Province of the Massachusetts Bay and New Hampshire, in New England:

A PROCLAMATION FOR A GENERAL FAST.

Upon due consideration of the holy anger of Almighty God, evidently manifested by lengthening out the troubles of Europe,

as well as our own, and continuing them and ourselves under the sore calamities of a distressing bloody war, (notwithstanding the many great victories obtained against the Common Enemy of Europe) which always bespeak our humble prostration at the feet of Divine Sovereigntye, with penitential confession of our many aggravated sins and provocations, and fervent supplications before the Throne of Grace for the free remission of them; That the past displeasure of God against us may be removed:

I have therefore thought fit, with the advice of her Majesty's Council, and at the concurrent desire of the Representatives at their present session, to appoint and Order, that Wednesday, the sixteenth day of April, instant, be set apart and observed for fasting and prayer throughout these Provinces, exhorting both ministers and People in their Public Assemblies and in their private devotions religiously to solemnize the said day, that by a sincere repentance and steady affiance in the Divine Mercy in their most humble addresses to God, they may obtain these great blessings. [P. 228.] That our sovereign Lady the Queen, with her kingdoms and Dominions, may always be under the protection of heaven; Her Majesty's life and happy government long continued; Her Council and just Arms prospered; That the Government of these her Majesty's Provinces may be always under the influences of Divine direction, in all their administrations and just enterprizes, and the smiles of Heaven attend them; The designs of Enemies defeated; the residue of our captives returned; That health may be continued; And the ensuing year crowned with the fruits of Divine Benignity; That the present War and tumults of the nation may happily issue in the advancement of the Protestant religion and the Glorious Kingdom of our Lord and Saviour Jesus Christ; And all servile labor is forbidden in the said day.

Given at the Council Chamber in Portsmouth, the seventh day of April, 1707; In the sixth year of the reign of our Sovereign Lady Anne, by the Grace of God, of England, Scotland, France and Ireland, Queen, defender of the faith, &c.

J. DUDLEY.

By Order of his Excellency and Council.
Cha. Story, Secretary.

God Save the Queen.

Adj^d till three o'clock, Post meredicm.

[P. 229.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Monday, the seventh day of April, 1707, Post merediem.

Present,

His Excellency Joseph Dudley, Esq., Governor,

Major Wm. Vaughan,	Esqs.	John Gerrish,	Esqs.
Peter Coffin,		Sam[l] Penhallow,	
Robert Elliott,		John Plaisted,	
Nath[l] Wear,		Henry Dow,	

It being reported at this Board that Colonel Thomas Packer, Chirurgeon, had taken the Indian squaw lately wounded under his care and protection, to be cured, It is therefore directed that the said Packer proceed in curing the said Indian Squaw, and that the charge thereof be paid in proportion by the Massachusetts and this Government.

The complaint of George Vaughan, Esq., was read at this Board con[a] Thomas Phipps, Esq., as on file.

Adj[d] till to-morrow morning, ten of the clock.

[P. 230.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Tuesday, the 8th of April, 1707.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major W[m] Vaughan,	Esqs.	John Gerrish,	Esqs.
Robert Elliott,		Sam[l] Penhallow,	
Nath[l] Weare,		John Plaisted,	

Henry Dow, Esq.

Ordered, That the Sloop Adventure, belonging to Chr. Amazeen and Joseph Jackson, be taken into her Majesty's Service upon an expedition to Nova Scotia and L'Acadie, And that Mr. Elliott be desired to see that a platform be

laid in the said sloop, and that the said Chr. Amazeen and Joseph Jackson provide two able men to sail the sloop, which shall be in pay from the ninth instant; and Robert Elliott, Esq., is hereby ordered to give the accustomed Oath to three sufficient persons as apprizers, to value and apprize the aforementioned Sloop, and to make return thereof into the Secretary's office.

Ordered, That Major Wm Vaughan and Mr. Richard Waldron be appointed as a Committee to audit the Treasurer's accounts, and the accounts relating to her Majesty's fort, W^{m} and Mary, and report the same at the next session of the Genl Assembly.

Upon reading the complaint of George Vaughan, Esq., this day, against Thomas Phipps, Esq., Justice of the Peace, relating to a case tried before him wherein Lazarus Noble was plaintiff and Caleb Griffith, Tenn^{t} to the said Vaughan, was the Deft., as upon file,

The Govern^{r} and Council declare that the Justice's proceedings in the case mentioned in the said complaint (title of land being concerned and pleaded) was contrary to Law and is thereupon void, and the said Caleb Griffith at rest therefrom.

[P. 231.] Upon application of John Fifield, of Kingstown, that Edward Fifield, Mr. Samuel Calcott, Jr., Jonathan Calcot, James Beane, Jabez Colman and Phillipp Huntoon, belonging to the said Town of Kingstown, have deserted and left the said town, whereby the other inhabitants are much weakened and exposed to the danger of the enemy:

Ordered, That Mr. Secretary Story write to the Capts. of Exeter and Hampton that they forthwith direct the persons abovesaid (being under their commands) that they immediately return to their former habitations in Kingstown, for the strengthening of the place against the common enemy; and in case they shall refuse so to do the said Capts. are hereby ordered, That when they send soldiers

to her Majesty's fort W^m and Mary, that the above persons be the first that shall be sent there, and to continue his Excellency's pleasure.

Ordered, That Colonel Thomas Packer be paid seven pounds out of the Treasury for the rent of the Rooms where the Council and Assembly sits, being for the year 1705, according to the Assembly's vote.

A vote was sent up by the Assembly returning the thanks of the whole House for his Excellency's Speech, desiring his Excellency to proceed in sending men upon the expedition to Nova Scotia and L'Acadie, and are willing to raise money for that expedition in proportion of their quota, &c.

Ordered, That Mr. John Campbell, Post Master General, be paid six pounds in course out of the Treasury as an allowance from this Province, as an encouragement to the General Post Office.

Upon reading the petition of John Cross this day at the Board (as upon file) relating to his being admitted as an Informa pauperis,

Ordered, That the Justices of her Majesty's Superiour Court and Inferiour Court of this Province admit the petitioner an Informa pauperis and assign him his attorney and Council.

[P. 232.] Upon Complaint and application of the selectmen and constables of Portsmouth and Hampton, that there are several inhabitants lying between them and Dover and Exeter that pretend to be out of their parish or precinct, thereby laboring to avoid paying their just proportion to the subsidy granted her Majesty for the support of the Government in the present war,

It is ordered that the Justices of the Peace forthwith appoint certain persons, inhabitants of Dover, Portsmouth, Exeter and Hampton, to settle the Bounds between the several precints and parishes in the Province, so as to determine all the inhabitants to their proper places, that none

of them may fail of doing their duty and paying their just proportion to the payments and taxes granted to her Majesty by the General Assembly from time to time.

An act entituled An Act for the supply of the forces to march against the enemy,

Having been three several times read in both Houses was past and enacted.

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, who accordingly came, and his Excellency was pleased to prorogue the Assembly to Tuesday, the Twenty fourth day of June next.

And accordingly the Assembly is prorogued till Tuesday the 24th June, 1707.

[P. 234.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, the 15th October, 1707.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Major Vaughan, Robert Ellott, } Esqrs. Sam[l] Penhallow, John Plaisted, } Esqrs.

Mr. Secretary was sent as a message to call the House of Representatives to this Board, who accordingly came; And his Excellency was pleased to make the following speech:

Gentlemen:—

I have delayed your session till now that I might have received her Majesty's commands, which are expected by the Reserve Frigate bound hither; but the season of the year is not [now?] so far advanced, and your affairs requiring your meeting, I have judged it not reasonable to defer your business any longer.

We have been sensible of the Good Providence of Almighty God in the preservation of our selves, and our neighbors in the other Province upon the frontiers, notwithstanding several inroads of the enemy, and some loss that we have sustained.

The charge of the Port Royal Expedition, and your other expences must be now provided for, that we may be just in the payment of the Muster Rolls of those that have served us.

Mr. Treasurer will give you a State of the Debts, and what is absolutely necessary, I am sure of your readiness in granting it to be forthwith raised; The Province being sensible of a good summer and harvest to support us.

[P. 235.] I hope you will see reason to dispatch as soon as may be, that you may be in your several stations where you are wanted.

There shall be nothing left undone on my part to assist the Province and her Majesty's affairs at all times as is my duty.

Adj^{d} till to-morrow morning, 10 of the clock.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Thursday, the 16th October, 1707.

Present,

Joseph Dudley, Esq., Governour,

Major Wm Vaughan, Robert Ellott, John Gerrish, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Mr. Treasurer was sent down to the House of Representatives to lay before them an estimate of the Province Debts.

Adj^{d} till to-morrow morning, 10 of the clock, ante meredicm.

Met the 17th October, present Ut supra.

Adj^{d} till to-morrow, 10 of the clock, ante meredicm.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Saturday, the 18th October, 1707.

Present,

His Excellency the Governour,

Major Wm Vaughan,

Peter Coffin, Robert Ellott, John Gerrish, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

The Officers here after named are appointed a Council of War, or any five of them, whereof Colonel Hilton or Major [P. 236.] Smith to be one, to proceed to the examination and judgment of any military offences in breach of the articles of Warr of any Officer* or soldier that is or has been in the pay of the Province, and to report the proceedings to the Governour before execution, in all cases:

1. Colonel Hilton,
2. Major Smith,
3. Capt. Phipps,
4. Major Walton,
5. Capt. Tuttle,
6. Capt. Langdon,
7. Capt. Davis,
8. Capt. Green,
9. Capt. Gilman,
10. Capt. Hill,
11. Capt. Lt Nichl Gilman,
12. Lt James Philbrooke.

Mr. Thomas Packer's debenter, amo to 79lb: 6s, about provisions and medicines for the wounded Squaw, was sent to the Representatives to make report, which was accordingly done, (as upon file) viz., the difference between Colonel Packer's account and the allowances of the Assembly, 25 : 10 : 8, due to ballance to the said Packer and

*An Act relating to Troopers.

Province of New Hamp're.

[SEAL.] Whereas there is noe punishment or fine inflicted by Law upon any Troopers in the Province for any disorder, disturbance or military offence, which at any time may be committed by them:

Be it enacted by his Excellency the Gov'r, Council and Representatives convened in General Assembly, and by the Authority of the same, that all troopers within this province who shall be guilty of any disorder or disobedience to their superior officers, or committ any military offence, shall pay double the fine sett by the Law upon foot souldjers; and in other cases where the punishment is corporal, shall undergoe the same punishments as the foot souldjers, to be inflicted by the officers as the Law provides for foot souldjers — any Law, usage or custom to the contrary notwithstanding.

16th October, 1707. This bill was read three times in the House of Representatives and past to be enacted, and sent up to the Council for concurrence.

JOHN PICKERIN, Speaker.

Eodem die. This bill was read three several times at the Council Board, and voted a concurrence with the House of Representatives, His Excellency assenting thereto.

CHA. STORY, Secretary.

I assent to the enacting this Bill. J. DUDLEY.

allowed by the Assembly,—fifty three pounds, fifteen shillings, four pence. 53 : 15 : 4.

To advance of the Treasurer in necessaries for the Indian Squaw, and wages for the nurse, 18 : 0 : 0

Sum total, ... 71 : 15 : 4

The sum of seventy-one pounds, fifteen shillings, four pence, being allowed by the Assembly to the Treasurer and Mr. Packer, is the present allowance and ordered to be paid.

J. DUDLEY.

22d October, 1707.

Ordered, that all soldiers that travel to their regular musters be carried over all ferryes in this Province for half ferriage pay; And that all soldiers immediately in the Queen's service and under pay, be transported over any of the said ferryes for two pence per piece.

Adjd till Monday next, 10 o'clock, ante merediem.

Monday, the 20th October. Met, and adjd to Wednesday, the 22d instant, 10 of the clock, ante merediem.

[P. 237.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Wednesday the 22d of October, 1707.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Wm Vaughan,	Esqrs.	John Gerrish,	Esqrs.
Peter Coffin,		Saml Penhallow,	
Robert Ellott,		John Plaisted,	

A vote was sent up to this Board from the House of Representatives, that a bill relating to troopers may be engrossed.*

*See bill on preceding page.

A vote was sent from this Board, in hæc verba:

Voted, that five pounds be given unto Robert Thompson out of the Treasury, for his encouragement in bringing in an Indian scalp, was read at this Board and consented to by the Council, and ordered to be paid out of the Treasury.

The following vote was sent up from the House of Representatives, in hæc verba:

Voted, that an address be made to her Majesty to represent the distressed state of this Province by reason of the War, and pray for relief of small arms and ammunition.

Also another to Justify the Governour in his good conduct here against the malicious aspersions of male-contents, and that the Council be prayed to Join with us therein; and his Excellency humbly desired to give his fiat thereto.

Past by the House. Per. Sam[l] Keais.

Read in Council and agreed to, nemine contra dicente.

Cha. Story, Secretary.

Adj[d] till the afternoon.

[P. 238.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj[t], on Wednesday, the 22[d] October, 1707.

Present,

His Excellency Joseph Dudley, Esq., Governour,

W[m] Vaughan,	Esqs.	John Gerrish,	Esqs.
Peter Coffin,		Sam[l] Penhallow,	
Robert Ellott,		John Plaisted,	

The following Address being three several times read at this Board was sent down to the House of Representatives and agreed upon by both Houses:

To the Queen's Most Excellent Majesty:

The humble Address of your Majesty's Council and Representatives of your Majesty's Province of New Hampshire convened in General Assembly,

Humbly sheweth:—

That notwithstanding his late majestie was graciously pleased out of his princely reguard to send a supply of Artillery and ammunition for your majesty's fort at Great Island; since which the great expense of rebuilding said fort and constant keeping men in pay for the better defense of this your Majesty's Province towards the sea, together with the extraordinary charge of defending the frontiers by land against the Indian rebels, assisted by the French from Canada and Port Royal, has reduced your Majesty's poor subjects to a great distress; many of whom have been necessitated to remove, by which our number and strength are lessened; others cannot provide for their families but with hazard of their lives, many fields lying untilled, [P. 239.] unless such as are under covert of the garrisons; at present we labor under a great want of good small arms and ammunition, which are daily wasted and lost in the wilderness in pursuit of the enemy, and by reason of our poverty cannot be supplied.

Your Majesty's petitioners, therefore, most humbly pray of your most Excellent Majesty that of your Majesty's Royal Bounty they may be supplied with such a quantity of small arms of several sorts, and ammunition proper for them, as well as for the great ordinance at your Majesty's fort in this Province, which will at all times be thriftily expended for the defense of your Majesty's good subjects; and we shall ever pray for the increase of your Majesty's glorious victories over the enemies of the repose of Europe, and your Majesty's long and happy reign over us.

Portsm° in New Hampshire in New England, 22d October, 1707.

We are your Majesty's most dutiful and obedient subjects.

Charles Story, Secretary.

Signed in presence and by order of the Council.

John Pickerin, Speaker.

Signed in presence and by order of the House of Representatives.

To the Queen's Most Excell. Majesty:

The humble address of your Majesty's Council and Representatives of your Majesty's Province of New Hampshire, convened in General Assembly,

Most humbly sheweth:—

That since our late address to your most Sacred Majesty, representing the poor and distressed condition of this your Majesty's Province, we are surprized with advice from England that several disaffected persons have petitioned your Majesty for the remove of Colonel Dudley, our present Governour, for male-administration, which we are well assured was done out of a particular pique by the principal of the said petitioners, who drew in others to subscribe at knew nothing of Colonel Dudley, nor had any families or concerns in New England; and we admire the more thereat, for that your Majesty had then received an address from the Council and Assembly of this Province, humbly representing the great care and good conduct of Colonel Dudley in the Government thereof, both as to the War as well as civil administration; And we are humbly bold to let your Majesty know that we are still of the same opinion, having daily instances of the indefatigable pains for the defense of the frontiers against the French and Indian enemy, who, by the prudent foresight and good intelligence which he has always gained of the enemies motion, and where they designed to make an attack, has sent seasonable relief so as that their designs have been totally defeated and your Majesty's good subjects and their estates thereby preserved.

We therefore most humbly pray that the malicious insinuations of a few male-contents may have no impression upon your [P. 241.] Majesty to the prejudice of Colonel Dudley, but that if it consists with your Majesty's good pleasure he may be still continued in his Government, whereby we firmly believe your Majesty's honor, the interests of the Crown and the welfare and prosperity of your good subjects here will be better promoted than by another person, not so well acquainted with the affairs of this country.

It only remains that we continue to render our most sincere thanks to Almighty God for the success of your Majesty's victorious arms and the happy union of your Majesty's Kingdoms of Great Britain, which will for ever advance your Majesty's Glory and tend to the ruin of the enemy of the repose of Europe, most

humbly beseeching God for your Majesty's long life and happy reign over us.

Portsmouth, in New Hampshire, in New England, 22d October, 1707.

We are your Majesty's most dutiful and obedient Subjects.

Cha. Story, Secretary.

Signed in presence and by order of the Council.

John Pickerin, Speaker.

Signed in presence and by order of the House of Representatives.

Ministers' Address to the Queen against the removal of Governor Dudley, 1707.

[From MS. copy in Secretary's Office.]

To the Queen's most Excellent Majesty.

The humble Address of the Ministers of New Hampshire, in New England, humbly sheweth:

That your Majestie's good subjects in the Province are very joyfull and sincerely thankfull to your Majesty for all your Royall benefits to this poor province, and particularly for your Majesty's favor in sending Col. Dudley, Governor; who, being a native of this country, has the love and affection of all your Majesty's subjects; and is so particularly *knowing* [*f*] of all the features and avenues of these large provinces, that he has by the forces raysed here met and defeated the Rebels very often, and the good Providence of Almighty God has greatly prospered & blessed his service to your Majesty's honor; and whatever insinuations are made against him to your sacred majesty, or your Majesty's great Ministers of State, we are sure he is unfeignedly steady in your Majesty's service, an example of religion, virtue & moderation to all good men; and we humbly pray, on behalf of ourselves and your Majesty's good subjects under our care, that it may consist with your Majesty's Royall wisdom, he may be yet continued to rule over us; which we dare not have presumed to ask, if evil minded men against us & such as least know us, had not lately addressed your Majesty for his removal, contrary to the willing & united desires of all your Majesty's good subjects here.

May the great God prosper your Majesty's arms & make your Majesty the glorious instrument of re-establishing the peace of Europe.

May your sacred Majesty be blessed with a long and prosperous reign over a people protected, reformed & united by your Majesty's most serene & excellent conduct; & your Majesty's and your good subjects' satisfaction therein will be everlasting.

Wee are your Majesty's most loyal and dutiful subjects.

JOHN COTTON, Minister of Hampton.
NATHL. ROGERS, Minister of Portsmouth.
JOHN PIKE, Minister of Dover.
JOHN BUSS, Minister of Oyster River.
JOHN EMERSON, Minister of New Castle.
THEOPHILUS COTTON, Minister of the Isles of Shoales.

Voted, whereas Richard Otis, of Dover, late deceased, died intestate and left not estate sufficient to pay his debts:

Ordered, that Susanna Otis, administratrix upon said estate, have power to sell so much of his Lands lying in the Township of Dover as will pay his said Debts; there being not chattels sufficient to pay the same; Always provided, that accounts be first made up by the ordinary, and showed forth, and left of Record in the Superiour Court of the Province.

Allowed and past by the Assembly.

Per Sam[r] Keais, Clerk.

22[d] October, 1707.

Read in Council, allowed and approved and sent to the House of Representatives.

Cha. Story, Secretary.

[P. 242.] Voted, that the money due from this Province on account of the Summer's Expedition to the Eastward, we pray it may be deferred until the next session of the Assembly; when we promise that we will proceed to raise money to defray the just charges thereof.

Passed by the House.

Sam[l] Keais, Clerk.

22[d] October, 1707. Read in Council and voted a concurrence.

Letter from Gov. Dudley to Major Vaughan.

[MS. Cor., Vol. I., p. 9, Secretary's Office.]

Roxbury, 22 January, 1707–8.

Sr.—Mr. Secretary Story & Mr. Speaker Pickering have been with mee and acquaint mee there is a desire in your province to send an agent to England. If the Assembly in their next sessions shall acquaint me with the person whom they would send, to take care to pass an Act for money for his support in their service, & let me see his errand, if it be for the service of the Province, and his Majesty's service, I shall readily agree thereto.

The Assembly at the same time must also raise a tax for the supply of the Treasury for the payment of their forces the last sumer's Expedition, or els I cannot reasonably expect the service of the soldiers for the defence of the country.

I desire yourself & the gentlemen of the Council will take care herein, & that we have notice by Express, if need be, of what they do, and adjourn them after two or three days' conference, for a week, for my further directions if need be. You will use all prudence to steer the Assembly, & communicate this letter.

Your humble servant,

J. DUDLEY.

Major Vaughan.

Letter from Gov. Dudley to the Council.

[MS. Cor., Vol. I., p. 11, in Secretary's Office.]

Boston, 9 Feb., 1707.

Gentlemen:—

It is the undoubted right of the General Assembly, at their meeting, to address her Majesty & send their own messenger therewith: & you, having chosen Captain George Vaughan your Agent for the purpose, I must agree thereto, & desire you will give him your Address & Dispatches as soon as possible, that his voyage be not lost; & for what money you have granted to her Majesty for his support you will take your own methods. . . . . to exchange it hence, in which I am sure Mr. Treasurer will do his duty upon your application, & I will signe the warrant for it when sent me properly from the Council Board, to be lodged as his order in the Treasury Office, & he must make no doubt thereof, but proceed forthwith, if any time be wanting he must be paid. . . .

I direct your prorogation to be to the last Wednesday in March, and Major Vaughan is hereby directed to declare it. Captain

Vaughan, when he has your despatches, I suppose will see me here, to take shipping.

I am, Gentlemen, your very humble servant,

J. DUDLEY.

Address to Queen Anne. Sent by Capt. George Vaughan, 1707-8.

[Coll. N. H. Hist. Soc., Vol. I., pp. 140-141.]

To the Queen's most Excellent Majestie:

Wee, your Majestie's most Loyal and Dutiful subjects, ye Representatives of your Majestie's province of New Hampshire, and in General Assembly convened, most humbly begg leave to prostrate ourselves at the feet of your sacred Majestie, and now at this time more especially to represent to your Majestie, That our ancestors and predecessors some eighty years past coming over from England, and issueing out from the neighboring Colonies, and by and with their concurrence and encouragement, peaceably and in a publick manner entered and satt downe upon the now inhabited lands of this province, and which were not only then vacuum domicilium, but a miserable desart, and surrounded with the Barbarous Salvages, from whose Sachems our ancestors all along informed and assured us the said lands were honestly and justly purchased for their use.

That wee and our ancestors through the great mercy of Almighty God, by the expence of our treasure and the work of our hands, have now turned this wilderness into a fruitful field.

That wee and our predecessors have, with the expense of our lives and estates, defended this your Majestie's province in two long and distressing Warrs, against the Barbarous Salvages, assisted by the French King's subjects, and which wee are yet engaged in, and must have suffered very much were wee not encouraged and protected by the great and constant care and vigilance of his Excellency our Governor, and the assistance of his other government, both as to men and money.

That by the diligence, industry and expence of your Majestie's Loyal subjects of this your Majestie's Province, wee have soe improved this your Majestie's Country, that the trade thereof has become very Considerable, and of great Importance and advantage to your Majestie and your people of Great Britaine.

That all this has been done without the least Aid or Assistance Imaginable of Mr. Mason, or those that succeed him in their pretended Claime to this Countrey.

That the possessions and Estates of this province have been

bought and sold, and have descended from family to family for Now neare seventy years together; and Except it be a very few of the Inhabitants, is all they have in the World. Notwithstanding all which, by the Governor's interposition, who endeavored to Reconcile the difference between Mr. Allen and the people (and not from any difference of our own Right) wee made Overtures to an Agreement; but Mr. Allen's death prevented any further proceedings therein.*

That if your Majestie's most loyal subjects of this your Majestie's province may, by your Majestie's Royal favor, be confirmed and encouraged in the possession and Enjoyment of what they have acquired so Just a Right to, and may yett be protected and defended from the unreasonable and unjust Claim and demand of Mr. [Thomas] Allen, which they confidently promise themselves from the late instance of your Majestie's great Justice done them in the same case, when Mr. Allen Appealed from a Judgment of your Superior Court here to your Majestie in Council, where Judgment was affirmed in favor of the Inhabitants, & hereby your Sacred Majestie will not only have the Gratefull Acknowledgments of your Majestie's most Loyal and Dutiful Subjects in this your Majestie's province; but your Majesty and your people in all places will reap the benefitt and advantage thereof in the Increase of the Trade of this Countrey by a greater supply of your Majestie's Navy.

Whereupon, wee your Majestie's most loyal and dutiful subjects, the Representatives of this your Majestie's Province, with all humble prostration, doe, in the Name and behalfe of all your Majestie's people, the Inhabitants of this your Majestie's province, most humbly supplicate your sacred Majesty to take the Circumstance of our Case and Condition into your Royal Consideration, on whose Wisdom, Justice and favour Wee shall alwayes rely and intirely submitt ourselves to, who are your Majesty's most, &c.

*"May 5, 1705. Samuel Allen, Esq., deceased, (some time Governor of N. H.) after 3 or 4 days' visitation with fever and pleuritical pains; a sober and worthy gentleman." [Aged 69.]—*Pike Journ.*

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 19th February, 1707.

Present,

Wm Vaughan, Robert Ellott, John Gerrish, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Pursuant to his Excellency's letter of the ninth instant, the General Assembly are prorogued till Wednesday, the last day of March next.

[P. 243.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, on Wednesday, the 5th May, 1708, post merediem.

Present,

His Excellency, Joseph Dudley, Esq., Governour,

Saml Penhallow, John Plaisted, } Esqs.

Adjd till to-morrow morning, 10 of the clock, ante merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Thursday, the 6th of May, 1708, ante merediem.

Present,

His Excellency, Joseph Dudley, Esq., Governour,

Major Wm Vaughan,

Peter Coffin, Robert Ellott, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

His Excellency the Governor sent Mr. Secretary as a message to the House of Representatives to call them upp to this Board, who accordingly came, and his Excellency made the following speech:

Gentlemen:—

The winter is passed without any inconvenience from the enemy, unless it be that it has made us more careless of danger, and some of our people thereupon doe neglect their watches and caution which must be reformed everywhere, lest we be surprized into some great mischief.

The officers and soldiers in the last year's service should have been provided for before this time, and a fund sett for their payment; but it must be noe longer delayed, and the other debts of the Province shall be laid before you by the Treasurer.

[P. 244.] I desire and expect that the gentlemen of the House of Representatives will take care that wee be just in our payments, that wee may obtain the favor of God and maintain her Majesty's Honor, our own just reputation, and prevent the Complaints of any of her Majesty's subjects to whom wee are indebted.

We are always during the warr in necessity to raise men for our defense, and we must take care there be that in the Treasury that will support us.

I shall doe my duty in placing soe many at the fort as are necessary for the summer's service, and we must have a small party for a distant scout and discovery, and there must be provision for them, and you must not forget your agent that you have lately sent home.

I desire the gentlemen of the Representatives that they will proceed therein with all good agreement and as soon as they may; the session need not be long.

I have always seen so much friendship and unanimity in the Assembly of this Province that I doubt not of your doing your duty herein; and the good Providence of Almighty God will still preserve us. I shall not fail at all times to represent you well to her Majesty's protection and favor.

A vote was brought up from the House of Representatives in hæc verba sequen:

Voted, That the late dwelling House of George Vaughan, Esq., neer to Major Vaughan's, standing convenient for entertaining Travellers by reason of its nighness to the ferry, and Wm Fellows having rented the same, being an honest man, that he be admitted to keep tavern there and

have a license granted him, and pray the consent of his Excellency the Governour thereto.

Past by the House.

Sam[l] Keais, Clerk.

May 6th, 1708.

Read in Council and allowed, his Excellency the Governor assenting thereto.

Cha. Story, Secretary.

[P. 245.] Ordered that the soldiers late sent by the Governour to Oyster River, and others in like cases, be subsisted by the several garrisons whether they are sent, in equal proportion amongst the familys covered by the said Garrisons, and their wages by the Province.

John Smith, Esq., being sent up from the House of Representatives to this Board, to be qualified to sit in that House, took the appointed oaths according to Law.

Ordered, That Mr. John Campbell, Post Master General, for his diligence in taking care of all expresses that go from this Province to be sent to his Excellency, and in expressing Letters from his Excellency to this Province, be paid six pounds for the year 1707; ending at Lady day* last past.

Adj[d] to the three of the post meridiem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Thursday, the sixth day of May, Anno Domi. 1708, Post meredIem, by adjournment.

Present,

His Excellency Joseph Dudley, Esq., Govern[r],

Major W[m] Vaughan, Peter Coffin, Robert Ellott, } Esqs. Sam[l] Penhallow, John Plaisted, } Esqs.

* March 25th.

Adj^{d} till to-morrow morning ten of the clock, ante merediem.

[P. 246.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday, the seventh day of May, 1708, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Wm Vaughan,	Esqs.	John Gerrish,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Ellott,		John Plaisted,	

The powder account for the year 1708 was delivered in and approved of and Mr. Ellott and Mr. Treasurer and Capt. Pickerin are appointed a Committee to see the state of the powder at the Castle, and to report to the Govern^{r} the present state there and what powder is necessary further to be supplyed.

The Governour having acquainted the Council that for the Summer months there will be twenty men posted at the fort,

The Council desire that Colonel Redknapp may visit the works at the fort and direct the necessary repairs there, and that the soldiers that are of the Guard be employed in the said work and allowed six pence per diem above their wages, and that Major Vaughan and Mr. Ellott, or either of them, doe oversee the work from time to time.

The Council, for saving the charge of building and often repairing a Boat for the public service, have this day agreed with Theodore Attkinson, Esq., to provide and keep a Boat for such service from time to time in good repaire, with all necessarys to be always ready for the publick service of the Government, for which the said Attkinson is to be paid six pounds per annum out of the Treasury.

Adj^{d} till to-morrow morning, ten of the clock, ante merediem.

[P. 247.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Saturday the eight day of May, Anno Domini 1708, Ante Merediem, by adj^{t}.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,
Major Wm Vaughan,
Peter Coffin, } Esqrs. Saml Penhallow, } Esqrs.
John Gerrish, } John Plaisted, }

Mr. Treasurer acquainted the Governour and Council that the two hundred and fifty pounds appointed by the Assembly for the Agency was all advanced, and that he had his warrante for the same; and that over and above the said sum he had expected twenty pounds for the journey of Mr. Speaker Pickerin and other members to Boston, to dispatch the agent, and eight pounds seven and two pence for wine and brandy for the agent's passage.

The said sum of twenty-eight pounds seven shillings and two pence was allowed in Council, and the Governour desired to give a warrant for the same.

Ordered, that eighteen pounds be allowed Peter Coffin, Esq., for plank for the platforms at the fort W^{m} and Mary. (Order out.)

Mr. Phipps' and Mr. Secretary Storey's debenter, amounting to one pound, three shillings, was allowed in Council, and Ordered that the Select men of Newcastle, to wit, Robert Ellott, Wm Seavey, and John Frost, pay the aforesaid one pound, three shillings, and that the Secretary issue forth processes for the same.

The House of Representatives' answer to the Governor's Speech, as foll:

May it please your Excellency, we the Representatives, convened in General Assembly, are highly sensible of your great care and good conduct of this [P. 248.] Province, which we are humbly thankfu^{l} for, and pray for continuance thereof.

We crave leave in some measure to make answer to your Excellency's speech, as to the payment of the officers and soldiers for the time past; according to our former promise we have considered thereof, and shall raise wherewith to satisfy as far as our capacity will admit of. As to the other charges of the Province, we have considered of and gone beyond our ability in raising of money for defraying of those charges; and as to placing more men at the fort than already there, we humbly offer to your Excellency's consideration as followeth:

First; our poverty is such and our debts so great already that we are no ways capable of raising more money at this time.

Secondly; should twenty men be ordered to the said fort, they are not capable of defending against an Enemy.

Thirdly; Those men already there, together with the trained band belonging to New Castle, being ordered to attend their duties in watching, warding, &c., will be far easier than a frontier Garrison in the Province; That company being exempted from all other duties, save only to the said fort. Also, one half of Portsmouth and Hampton Company are ordered upon any alarum to repair thither; And yet, notwithstanding this, if your Excellency and Council should Judge our proposals not sufficient, but should see cause to order more men to the said fort, that it may be done by towns in equal proportions, throughout the said Province, and that New Castle take the first turn.

Past by the House.

Saml Keais, Clerk.

May the 8th, 1708.

[P. 249.] A full vote was sent up to the Board by the House of Representatives, in hæc verba sequen:

Whereas a list of soldiers' wages to Norridgawack and Port Royal, as also transport vessels and other debts, a list of which lies with the Assembly, amounting to one thousand sixty nine pounds, eleven shillings; One hundred and eighty pounds of the said sum being for the managing our affairs by our Agent in England, on further consideration add thirty pounds nine shillings, to make the whole sum eleven hundred pounds:

Voted, that a Rate be made on all persons and estates throughout this Province, in equal proportion, according to

former rules, for the abovesaid sum of one thousand sixty nine pounds, eleven shillings, with the addition abovesaid, to be paid in the species to the several persons in each town to whom the Province is indebted at the price set on the said species; And that all to whom the Province is indebted shall take their respective debts in said species (his Excellency ready money royally advanced by any person only excepted) and what due on such accounts to be brought into money and soe paid, which said Rate or assessment shall be made and committed to the several Constables, soe as to be collected by the last day of December next; That the Treasurer's trouble will be much lessened by the Constable or other person appointed in each town to pay the same, That he may only receive nine pence in the pound for this whole Rate, and that a committee of both Houses be appointed to set the prices of the species the Rate to be paid in; this together with the income of the River, wee hope may answer the ends.

Past by the House.

May 8th, 1708. Saml Keais, Clerk.

Voted in Council, that Mr. Ellott and Mr. Plaisted be a committee along with two of the Representatives, to consider of the species, and sit this afternoon.

Cha. Story, Secretary.

Major Smith, Capt. Dudley, are appointed to join with those of the Council to settle the species.

Saml Keais, Clerk.

[P. 250.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Monday, the 10th of May, 1708.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Wm Vaughan,

Peter Coffin, Robert Ellott, } Esqrs. Sam1 Penhallow, John Plaisted, } Esqrs.

Ordered in Council, that whereas the sessions have neglected to appointe a person in the several Towns to take account of the ratable estates according to an Act of Assembly, entitled An Additional Act for the equal assessing and collecting of public taxes, The select men of the several towns are hereby required to proceed to lay the taxes for this year without any such return, the said Act notwithstanding, according to former custom; and the Assembly will then further advise.

The Representatives voted a concurrence with the Honble the Council.

Sam1 Keais, Clerk.

Upon reading the petition of Samuel Shipperd and .... True, on behalfe of several other inhabitants lying near the line of both Provinces:

Ordered, that what goods have been restrained by the Constable of Hampton from said True be returned to him again; the tax being taken by the Constable of Salisbury six days before.

Ordered, that Mr. Walton from time to time employ the soldjers at the fort at New Castle in the repair of the works while they are off their duty, keeping account hereof that they may be paid six pence per diem for their service, besides their wages.

Ordered, that one hundred and thirty one pounds, ten shillings, be paid in course out of the Province Rates for

service for Capt. Walton and four soldjers at the fort Wm and Mary, from the 25th March, 1707, to the 25th March, 1708.

[P. 251.] Ordered, that Mr. Secretary Story's debenter, for his service in that post, amounting to forty five pounds, thirteen shillings, being approved of by the Assembly and allowed at this Board, be paid out of the eleven hundred pounds tax raised this session.

The following vote was sent up to this Board by the House of Representatives:

Voted, that a Latin School be kept in Portsmouth; that the school master from time to time be appointed by his Excellency, Council, and settled minister of the town, And that the said school master be paid by the several towns within this Province after the rate of fifty pounds per annum, besides what the select men of Portsmouth shall order to be paid by each of their inhabitants that sends his child to learn Latin; and to be a free school for writers, Readers and Latinists, &c.; the sum to be paid by each town, viz: Portsmouth twenty eight pounds, Hampton eight pounds, Exeter six pounds, Dover six pounds, New Castle forty shillings; And that this Act continue in force for and during the space of two years and no longer—then to cease and end; And that the select men in every town within this Province make assessment on their inhabitants for each of their proportions as aforesaid, to be collected and paid unto the said schoolmaster yearly, by the first day of March; And if the select men in each town or any of them shall fail of making such assessment, it shall be lawful for any two Justices of the Peace in this Province to issue forth a warrant or warrants, directed to the Sheriff, to levy on any of the select men or their estate for any such sum not paid according to the time.

May the 10th, past by the House.

Saml Keais, Clerk.

May 10th, 1708. Read in Council and consented to, nemine contradicente, and to be past into an Act.

Cha. Story, Secretary.

Province of New Hampsre.

[SEAL.] *An Act for a free School to be kept at Portsmouth.*

Whereas there is noe Latin School as yett Established in any town in this Province, for the encouragement of learning and virtue:*

Be it therefore Enacted by his Excellency the Governour, Council and Representatives convened in Generall Assembly, and by ye Authority of ye same, That a Latin School bee kept att Portsmouth in ye said Province; and that the schoolmaster from time to time bee appointed by his Excellency, Council, and settled ministers of the Town; and that the said school master bee payd by ye severall Towns within this Province, the sum of fifty pounds money pr. Annum, besides what ye selectmen of Portsmo shall Order to be pd by each of those Inhabitants that send their children to learn Latin; And to be a free school for writers, readers and Latinists; & the severall sums to be pd by each Town are as follows, viz: Portsme twenty eight pounds, Hampton eight pounds, Dover six pounds, Exeter six pounds, and New Castle two pounds; and that this Act continue too [2] years. And that the selectmen in every town within ye Province make assessments on their Inhabitants for each of their proportions, as aforesaid, to be collected and payd unto the said schoolmaster yearly, by ye first day of March; and if ye selectmen in each Town or any of them shall fail of making such assessments, itt shall be lawful for any two Justices of the Peace in the Province to issue forth a warrant or warrants, directed to ye sheriff, to levy on any of ye selectmen or their estates, for any such sum not payd according to time, to pay the same to the schoolmaster from year to year.

Read three times in the House of Representatives and past to be Enacted, and sent upp to the Honble the Council for their concurrence.

John Pickerin, Speaker.

*[We conclude, therefore, that this was the *first Latin* free school established in New Hampshire. As early as 1658, there was a school in Dover in which the master was requested to teach "to reid, write, cast a compte, latine, as the parents shall require." See *Provincial Papers*, Vol. I., p. 312. And under the Laws of Mass., "every town consisting of one hundred families or upward was required to set up a Grammar School and appoint a master able to instruct youth so as to fit them for the Colledge," &c.—*Prov. Pap.*, Vol. I, p. 312.—ED.]

Read three times at the Council Board, and voted a concurrence with the House of Representatives, his Excellency assenting thereto.

Cha. Story, Secretary.

I assent to the Enacting this Bill.

J. Dudley.

Ordered, that Samuel Penhallow, Esq., Treasurer, his debenter, amounting to eleven pounds two shillings, being so much paid by him toward the Governour and Council's entertainment, and other necessary expenses of Capt. Chisley's Company when at Nantassett, be paid him out of the Treasury.

[p. 252.] The several bills following, having been three several times read and passed both Houses, were consented to by his Excellency and by him signed accordingly:

An Act for the better preservation of all Mast Trees or white pine Trees within her Majesty's Province of New Hampshire.

An Act for the raising of eleaven hundred pounds for defraying the publick charge of the Province.

An Act for continuing several Rates and duties of Excise, Custome, Impost, and Tonnage of shipping.

An Act for selling of part of George Walton's estate for payment of Debts.

An Act for a free School to be kept at Portsmouth.

Ordered, that Robert Thompson be paid five pounds out of the present tax, for an Indian scalp lately taken by him at Oyster River.

Mr. Treasurer Penhallow's acc^{t}, for sundrys advanced for supplying the forces to march ag^{t} the enemy at L'Acadie and Nova Scotia, amounting to 518^{lb} : 8^{s} : 10, out of which there remains due to the Province 35^{lb} : 11^{s} : 5^{d}, was read at this Board and allowed and approved of, as upon file.

The muster roll on account of the service of soldjers at the fort W^{m} and Mary for the year 1706, signed by Capt. Shadrach Walton, am^{o} to seventy one pounds, seven shillings and one penny, was allowed, and signed by the Gov-

ernour in Council for payment of the same, and counter signed by the Secretary.

Prorogued till Wednesday, 8th 7br, 1708.

Prorogued till Wednesday, the 17th Nov., 1708.

[P. 253.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Wednesday the 17th November, 1708.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Peter Coffin,	Esqrs.	John Gerrish,	Esqrs.
Robert Ellott,		Wm Vaughan,	
Nathl Weare,		Saml Penhallow,	

John Plaisted, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives to call them to this Board, who accordingly came, and his Excellency the Governr was pleased to make the following speech, in hæc verba:

Gentlemen:—

The summer is past since your last session, and by the good Providence of God wee have been preserved from any insult of the enemy, tho' their march upon us in August put us to a very great cost to defend a long frontier, being uncertain where they would make their impression.

And at last they have nothing to boast of at Haveril, tho' we might have done much more upon them if wee had taken the proper advantages offered us.

The march of soe many forces necessarily in both Provinces hath much aggravated the year's charge; notwithstanding I rose as late, and disbanded as soon, as possible.

Mr. Treasurer will lay before you, Gentlemen of the House of Representatives, the present Debt upon the Province, which I must justly expect you will take care to discharge; otherwise wee shall not be able to support our selves, if soldiers be not duly satisfied and paid.

[P. 254.] You will also remember your Agent, who is well arrived, and very diligent in yr service, and must be supplied with what is necessary for his reputation and dispatch of his attendance.

Mr. Wm Cotton was sent as a message from the House of Representatives to this Board, with the following vote:

Voted that his Excellency the Governour have the thanks of this House given him for the care of this Province last summer, by covering the frontiers with soe good a number of forces, which has prevented any inroad of the enemy.

Nov. 17th. 1708, past by the House of Representatives, and sent up to the Council for concurrence.

Saml Keais, Clerk.

17th Nov^{br}, 1708.

Read in Council and agreed a concurrence, nemine contradicente.

Cha: Story, Secretary.

Adj^{d} till 10 o'clock to-morrow morning.

[P. 255.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, Thursday, the 18th November, 1708.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Peter Coffin, Robert Ellott, Nathl Weare, } Esqrs. John Gerrish, Wm Vaughan, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

The following answer to his Excellency's speech was sent up to this Board by the House of Representatives.

May it please your Excellency,— Wee, the Representatives conven^{d} in General Assembly, are highly sensible of your Excellency's great care and good conduct of this her Majesty's Province all along, which we are heartily thankful for, and pray the continuance of.

We crave leave in some measure to make answer to your Excellency's speech; wee are sensible by the Treasurer's accounts

now before the Assembly, that there is money disburst by him the last summer past, and shall be ready and willing, in the season of it, to raise so much money as may be sufficient to pay all Just Debts made appear to be due for this year; but considering the last Task [Tax?] of eleven hundred pounds being nothing near gathered into the Treasury, which at the raising thereof was accounted sufficient for payment of all Debts formerly due, also the poverty of the inhabitants and the great consternation the people will be put into if more mony should be raised, before the other tax be collected; We also pray that at the raising of the next tax, wee may be allowed to raise what money may be sufficient for supporting our agent in England.

Past by the House.

18th Nov., 1708. Sam[l] Keais, Clerk.

[P. 256.] Ordered, that the Sheriff take care for the repair of the prison and the addition of a Leantoe* for a lodging for the keeper, and a yard about the whole building to prevent correspondence with the prisoners; and that he desire the advice of the Gentlemen of the Council in Portsmouth for the dimentions and manner of building; the charge to be paid by the Treasurer.

Voted, that the inhabitant freeholders of Kingston within her Majesty's Province of New Hampshire, from this day forward have free liberty for sending one Representative for the said town to sit in General Assembly.

18th November. Past by the Council and sent down to the House of Representatives for concurrence.

Cha. Story, Secretary.

Eodem die. Read in the House of Representatives and agreed a concurrence with the Honorable the Council.

Sam[l] Keais, Clerk.

Voted, that a committee of two persons, viz., Capt. Pickerin and Major Smith, doe join with two of the Council to receive and examine the claims of all persons claiming debts due from this Province; and lay the same before his

* A part of a building which appears to lean on the main building.—*Web. Dic.*

Excellency, Council and Assembly, at their next sitting, in order for allowance thereof.

Past by the House. Sam[l] Keais, Clerk.

Eodem die. Read in Council, and ordered that Mr. Treasurer Penhallow and Mr. Plaisted be a Comittee to join with the Comittee above, and that they sit the first Monday in December next, and so the first Monday in every month during this winter, and till the next session of the General Assembly, and that the Secretary sit with the said comittee and issue forth proclamations to notify all creditors to bring in their claims.

Cha. Story, Secretary.

[P. 257.] Ordered, that Robert Ellott and John Plaisted, Esqs., be appointed a comittee to audit the following acc[ts] of Mr. Treasurer Penhallow this afternoon, and to bring their report accordingly, viz:

An Account Am[o] to 15[lb]: 11[s]: 1[d], to sundrys advanced for supply of the fort W[m] and Mary.

An Acc[t], Am[o] 144: 19: 8, for subsistance of soldjers in the frontiers, &c.

An Acc[t], Am[o] to 47: 3: 7, for sundryes advanced about entertaining the Govern[r] and Council, and other disbursements.

The said Robert Ellott and John Plaisted, Esqrs., having audited the said acc[ts], made report to this Board that they had examined the same and find them to be just and honest acc[ts].

[P. 259.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Wednesday, the fourth day of May, 1709.

Present,

Major Wm Vaughan,

Robert Ellott, John Gerrish, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

His Excellency the Governour's letter, dated Boston, the 30th April, 1709, was communicated to this Board, being in hæc verba sequen:

Boston, 30th April, 1709.

Gentlemen:—

When I sent the last prorogation of the Assembly I intended certainly to have visited you and holden the Assembly, for which I had then very urgent reason, to take care to pay the Province Debts, which by the comittee I left at the last sessions (for that end) I hope is prepared and adjusted an account of all the Debts. I have now further reason to hold the sessions that you may take care to discharge your agent's (Capt. Vaughan's) debts in England.

But soe it is that their Majesties' commands for the service of Quebeck, &c., are this day come to my hands, which being of the utmost consequence must necessarily take up all my time and thoughts at present.

I therefore doe hereby order the meeting of the Council and the sessions of the Assembly, on Wednesday, where I desire this letter may be comunicated, and I desire you will proceed to an Act for granting to her Majesty a sum sufficient for the payment of the debts, with addition of five hundred pounds to be applied, what is necessary of it, to the payment of the agent's disburse, and six hundred more towards the expense of the summer for the forces in the great expedition commanded by her Majesty for the only benefit and everlasting settlement of these Provinces.

[P. 260.] I need not say any thing to you to indnce your ready grant of whatsoever is necessary in these articles, and I pray you to let me be so far a judge of them as to say, the sums propounded are the least I can expect.

Your Agent returns with so much success and honour in your service, and the present great expedition is so much our own, that wee shall surprize every body not to be the first in our ready obedience.

The Act may be past in a day or two in due form, with the usual preface, which Mr. Secretary will take care of, and if it be past and signed by the Secretary and Speaker and covered to me, I will sign it and return it, and this is all that I can doe at this juncture; Some time hence, I hope to visit you, and congratulate you upon all the heads of good news wherein your share is the greatest.

I am, Gentlemen, your very humble servant,

J. DUDLEY.

To Mr. Secretary Story, to be comunicated to the Council, &c.

The abovesaid letter having been read at this Board was sent down to the House of Representatives.

Adjourned till to-morrow morning, nine of the clock.

[P. 261.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Thursday the fifth day of May, ante merediem.

Present,

Major Wm Vaughan,

Robert Ellott, John Gerrish, } Esqrs. Sam[l] Penhallow, John Plaisted, } Esqrs.

Mr. Secretary Story was sent as a message to the House of Representatives to know if they had any business ready relating to the Queen's service to lay before that Board; who answered, none at present.

Adj[d] till to-morrow, ten of the clock, ante merediem.

[P. 262.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Friday, the sixth day of May, 1709, ante merediem.

Present,

Major Wm Vaughan,

Robert Ellott, John Gerrish, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Ordered, that the Secretary write a letter to his Excellency, in hæc verba sequen:

May it please your Excellency:—

The unexpected tidings of your Excellency's illness have occasioned more than ordinary thoughtfulness of the gentlemen of this Board, especially considering the present juncture; upon which we have desired Mr. Treasurer to signify our condolance, and withal to give your Excellency an account of the proceedings of the Assembly at this session: wee humbly pray the favour of your Excellency's presence as soon as may consist with your Excellency's conveniency.

Just now, being six of the clock in the afternoon, wee accidentally heard the sad news of four men that were yesterday at nine in the morning carried away from Pick Pocket mill, at Exeter; But notwithstanding the General Assembly being sitting, wee had no advice from any officer there, which is very surprizing to us. Wee heartily wish your Excellency all happiness, and crave leave to subscribe, Sir, Your Excellency's most humble and obedient servts.

Per Order of the Council.

Chas: Story, Secretary.

Ordered, that an Imbargoe be forthwith laid on all merchant ships and vessels in this port, and that proclamations be sent out by the Secretary in form of the proclamations published in the Massachusetts Goverment.

[P. 263.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 12th of May, 1709, ante meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governr, &c.,
Major Wm Vaughan, Robert Ellott, } Esqrs.
Peter Coffin, Esq., Saml Penhallow, }
John Plaisted, Esq.

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, who accordingly came, and his Excellency was pleased to make the following speech, in hæc verba sequen:

Gentlemen,—I was willing to see you at this time to congratulate you upon the great Articles before you, referring to her Majesty's good subjects of this Province.

Her Majesty in her Royal favour has given dispatch to your affairs depending in law, and at your humble instance and address has bestowed upon this Province for their defence, ammunition and other stores to a very great value, and to crown all her other favours, and to add to the glories of her Reigne, is equiping a noble fleet for the reduction of the French and Indians, our barbarous Enemies, and to put these Provinces to a lasting peace, which by experience wee find not to be obtained without such a superiour force as her Majesty in her Royal wisdom has determined to advance, to an expense of the greatest value.

I think it my duty hereupon to move you, after a Religious Thanksgiving to Almighty God, humbly also to address her Majesty with your sincere thanks for these great and undeserved favours, and to resolve to manage yourselves so, in all instances of duty, particularly in a cheerful obedience and preparation for the present expedition, which may assure her most sacred Majesty that your lives and estates are at her service at all times; And that you will be just and raise what is necessary for the payment of your debts and the advance of the present expedition.

[P. 264.] I had your assurance the last session that at the season your Debts should be all paid, and accordingly to save the time wee left comittees to pass thro' the Debts, that wee might have no further trouble. If we expect the favour of Almighty God, and the protection of her Majesty, it is to be had upon no

other terms than that of doing our duty, and being just to all those that have served the Province, especially in the wars. If our soldiers be not paid, we must not expect to be defended.

I am not to doubt of your readiness herein, and the affairs will not allow me to tarry above two days in the Province, wherefore I must desire you to use all possible dispatch.

Adjourned till three o'clock, post meredicm.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the twelfth day of May, Anno Domini 1709, Post meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Peter Coffin, Wm Vaughan, } Esqrs. Robert Ellott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

The following vote was sent up by the House of Representatives in hæc verba sequen:

Voted, That an Act be past for granting to her Majesty the sum of seventeen hundred and twenty pounds, to be paid in species or mony, at the value mentioned in the last tax, and to the uses following, viz.: Four hundred and forty pounds out of the first mony to be collected and to be [P. 265] improved in carrying on the expedition against Canada, &c.; four hundred pounds to be paid Captain George Vaughan, our agent, towards his disbursments in England; one hundred and sixty pounds to his Excellency our Governour; two hundred pounds for defraying Major Vaughan's disbursments when our agent, who borrowed money in England; three hundred and fifty pounds to be paid the treasurer towards his disbursments for the Province; one hundred and thirty pounds to the fort Wm and Mary; thirty-three pounds to Mr. Secretary Story, and seven pounds to Colonel Packer. The whole sum amo to seven-

teen hundred and twenty pounds to be raised and collected, viz.: four hundred and forty pounds, by the first day of September; and the other twelve hundred and eighty pounds by the last day of December; and to be paid in the same species at the same prices as in the last Act of eleven hundred pounds is specified, and no abatement to be made on any of those species in payment of the Debts. The Treasurer to have nine pence in the pound for receiving and paying.

May 12th, 1709.

Past by the House.

Saml Keais, Clerk.

May 12th, 1709.

Read at the Council Board, and consented to, nemine contradicente.

Cha: Story, Secretary.

[P. 266.] The following memorial was sent up to this Board from the House of Representatives, in hæc verba sequen:

A Memorial of what is forthwith necessary for the present expedition to Canada, which nothing but ready mony will purchase.

Viz: Forty four Barrels of Pork, repack[t] and cut up into mess pieces.

One thousand weight of Bread.

Three Hhds. of Rumm in the room of Beer for soldjers.

Wine, Sugar and Spice for the Officers and sick men, twelve pounds.

Forty bushels of peas.

Four Barrels of flower.

Eighty weight of Candles.

Kettles, Bowls, Platters, Plank, Boards, nails, spikes, &c., for store rooms and partitions.

Two vessels, quantity one hundred and fifty tons.

Shirts, Jackets, shoes, stockings, neckcloths and Snapsacks, one hundred of each to be forthwith advanced, and afterwards deducted out of the soldjers wages.

Sam[l] Penhallow, Treasurer.

Voted, that Mr. Treasurer be desired to provide provisions, &c., for our Quota of men to Canada.

Ordered by the House.

Saml Keais, Clerk.

12th May, 1709. Read in Council and concurred with the Representatives, nemine contradicente.

Cha. Story, Secretary.

[P. 267.] An address to her Majesty was read at this Board, the House of Representatives being present, being in hæc verba sequen:

To the Queen's most Excellent Majesty.

The humble address of your Majesty's most dutiful and Loyal subjects, the Governour, Council and Assembly of your Majesty's Province of New Hampshire,

Humbly Sheweth:—

That your Majesty's most loyal and dutiful subjects of this poor Province are deeply sensible of your Majesty's favour and Justice in the dispatch and decision of the Trial between Mr. Allen and Mr. Waldron; referring to the estate of Lands of the said Waldron,* wherein all the proprietors of this your Majesty's poor Province are equally concerned, and which has been in the challenge of Mr. Mason and Mr. Allen for Thirty years last past, tho' the same was long before that planted and subdued by your Majesty's good subjects now here inhabiting, and by themselves and their fathers and predecessors defended with their lives and estates for more than sixty years past, and to this day.

Wee do also most humbly acknowledge your Majesty's Royal favour and Bounty to your Majesty's most dutiful subjects, in the supply of Powder, field pieces, and stores Ordered to be sent hither, of which wee were in the greatest necessity, and which wee promise faithfully and thriftily to expend in the service ag[t] the

* See Papers of the Superior Court of Judicature, relating to this Trial, in Vol. II., Prov. Pap., pp. 514-562.

common enemy; and above all wee are [P. 268.] unspeakably indebted to your Majesty's great care and concern for the preservation and defence of your Majesty's good subjects, the inhabitants of these parts of America, in forming the present design against the French settlements at Canada, &c.; of which we are advised by Colonel Nicholson and Colonel Vetch, to the promoting whereof we hold ourselves in duty bound to Contribute our utmost endeavors, being well satisfied the success of this undertaking will produce a lasting quiet and repose of all your Majesty's Provinces in New England; and further, wee with all admiration adore the Divine Power in the glorious success of your Majesty's Arms in Europe, and pray to Almighty God the same may attend them in America; that your Majesty's life and Reign may be long and prosperous, and are

Your Majesty's most Loyal and Obedient Subjects.

Cha. Story, Secretary.

Signed in presence and by order of the Council.

Portsmouth, in New Hampshire,
in New England, 12th May, 1709.
John Pickerin, Speaker.

Signed in presence and by order of the House of Representatives.

Adjd till to-morrow morning, 9 o'clock.

[P. 269.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Friday the 13th May, 1709, by adjt, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Peter Coffin, Wm Vaughan, John Gerrish, } Esqrs. Robert Ellott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

Mr. Treasurer Penhallow's account about the receipt of powder money for the year 1708, was this day read in Council, accepted and ordered to be put upon file.

A vote relating to the payment of the Province Debts,

past by the Council and sent down to the House of Representatives, in hæc verba sequen :

May 13th, 1709.

Voted in Council, that the Representatives be acquainted that we are sensible of the Debts due from this Government to several persons, soldjers and others, amounting to several hundreds of pounds, contracted by the warr in six years last past.

That the Council are sensible that the Governor in every session hath earnestly moved that the said Debts be adjusted and paid.

That the Representatives have in several sessions promised, and chose committees for ascertaining the Debts accordingly, but to no effect, and officers and soldjers are daily complaining for want of payment.

Upon all which the Council desire that this their vote may be entered in the Council Acts, for their justification; that they are ready to adjust [P. 270.] and ascertain the Debts, either by the whole Assembly or by comittees; and to give their votes for the payment either in this session or the next; and humbly desire that the Governour be acquainted with this vote in our own just vindication.

Past in Council, nemine contradicente, and sent down to the House of Representatives.

Cha. Story, Secretary.

Adjd till three o'clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday, the 13th of May, 1709, Post Merediem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Peter Coffin, Wm Vaughan, John Gerrish, } Esqrs. Robert Ellott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

Adj^{d} till to-morrow morning 10 of the clock, ante merediem.

[P. 271.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Saturday, the 14th of May, 1709.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Peter Coffin, Wm Vaughan, John Gerrish, } Esqrs. Robert Ellott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

The several votes following was sent up from the House of Representatives to this Board, viz:

Voted, that whereas Richard Jose, late of Portsmouth, Esq., deceased, died intestate, and Hannah Jose, widow, relict and administratrix of the deceased, has applied to the Assembly for power to sell part of his Real Estate to pay the Debts, to which the personal estate will not amount:

Ordered, that the said Hannah Jose, widdow and adm^{x}, as above, doe forthwith make up her accounts with the Ordinary, and obtain his certificate what the Debts amount unto more than the p'rsonal estate, and with that exhibit to the Assembly what it is of the Real Estate that she would

sell, and for what price, that the Assembly may proceed thereupon.

14th May, 1709. Read in Council, Allowed and approved of and sent down to the House of Representatives.

Chas. Story, Secretary.

Past by the House.

Samuel Keais, Clerk.

1st May, 1710. Ordr out to Capt. Pickerin, for 20lbs.

Whereas, Major Wm Vaughan did formerly advance money for one Barrel of powder and Capt. John Pickerin for two more, which were delivered [P. 272.] into her Majesties fort at New Castle in the time when little or none was there; and the French and Indian enemy at the same time daily expected; neither of whome being yet satisfied:

Voted, that his Excellency and Council be desired that they may be paid the same out of the next tax that shall be risen.

May 14th, 1709. Past by the House.

Saml Keais, Clerk.

May 14th, 1709. Allowed in Council, and that thirty three pounds be accordingly paid them.

Cha. Story, Secretary.

Whereas, Capt. George Vaughan, our Agent for England, is now returned and given us a good and satisfactory account of his negotiations there, with several instances of her Majesties Justice and Bounty to her most Loyal and dutiful subjects, the inhabitants of this poor Province, particularly her justice in determining the title of the lands to the possessor against the claim of Mr. Allen, as also her Majesties favor and Bounty in granting us so large a supply of ammunition in this time of war; and forasmuch as we find it necessary to make further application to her Majestie, in order to a further perfecting of the future quiet and happiness of this Province:

Voted, that Capt. George Vaughan be continued our Agent; and that he be notified to be ready to take another voyage for England in the service of the Province, as soon as he shall receive instructions from the Governour, Council and Assembly for the same; and that we will at the next sessions raise money to support him in the service [P. 273.] both by defraying his charge and allowing him a salary for his service, as formerly.

May 14th. Past by the House — 1709.

Saml Keais, Clerk.

14th May, 1709. Consented to in Council.

Cha. Story, Secretary.

Whereas, Mr. Francis Liford, of Exeter, was lately chosen Constable, to serve this present year, but being acctd very infirm by sundry ailments, whereby he seems very unfit for that service:

Voted, that the town of Exeter forthwith choose a suitable person to serve in the said Lyfords room, and that the selectmen act therein accordingly.

Past in Council the 14th May, 1709.

Cha. Story, Secretary.

The several Bills following, having been three several times read and passed both Houses to be enacted, were consented to by his Excellency and by him signed accordingly:

An Act for raising 1720lbs for payment of the Province debts, providing for subsistance of our quota of men to join with the forces now designed against Canada, and for defraying the charges of our Agent for England.

An Act for Continuing several rates and Duties of Excise, Custom, Impost, and Tonnage of shipping.

His Excellency the Governor directs that on Wednesday or Thursday next, upon motion of [P. 274.] the House of Representatives to the Council, that they have done the settling and adjusting the Debts of the Province, that the said

Council doe in his Excellency's name prorogue the General Assembly till Wednesday the seventh day of September next.

J. DUDLEY.

Adj^{d} till Monday morning next, 10 of the clock, ante merediem.

Province of New Hampshire.

At a Council held at Portsmouth, on Monday the 16th May, 1709, by adj^{t}, ante merediem.

Present,

Wm Vaughan, John Gerrish, Robert Ellott,	Esqrs.	Saml Penhallow, John Plaisted,	Esqrs.

Adj^{d} till to-morrow morning, 10 of the clock.

[P. 275.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Thursday the 17th May, 1709.

Present,

Wm Vaughan, John Gerrish, Robert Ellott,	Esqrs.	Saml Penhallow, John Plaisted,	Esqrs.

The following votes were sent up to this Board, in hæc verba sequen:

New Hampshire, May 17th, 1709.

Whereas the four hundred pounds granted by this Assembly towards the defraying of the charge of Capt. George Vaughan, our Agent in England, cannot be imediately collected so as to answer the present occasion:

Voted, that the Treasurer be desired to take up so much money forthwith at interest, to pay the said sum with interest we promise to make good, until the four hundred pounds be

collected and paid into the Treasury according to the Act of Assembly.

Past by the House.

Sam[l] Keais, Clerk.

Voted, that the kindness and favor of Colonel Francis Nicholson, Esq., to our Agent, Capt. George Vaughan, in behalf of this Province be thankfully acknowledged, and that a letter be drawn up accordingly and signed by Mr. Speaker in behalf of this House.

Past by the House.

Sam[l] Keais, Clerk.

17th May, 1709.

Adj[d] till to-morrow morning, 10 of the clock, ante merediem.

[P. 276.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Wednesday the 18th May, 1709, Ante Merediem.

Present,

W[m] Vaughan, John Gerrish, Robert Ellott,	Esqrs.	Sam[l] Penhallow, John Plaisted,	Esqrs.

The House of Representatives sent up to this Board a list of what Debts they could find to be justly owing from the Province to the several persons therein mentioned, as upon file.

(Sent it to Mr. Keais, 6th Dec., 1709.)

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, who accordingly came.

And the Gentlemen of the Council, pursuant to his Excellency's direction, prorogued the General Assembly till Wednesday, the 7th day of September next.

And accordingly the General Assembly is prorogued till Wednesday, the seventh day of September next.

[P. 277.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Wednesday the 27th June, 1709.

Present,

The Honourable John Usher, Esq., Lt Governour,

Peter Coffin, Robert Ellott, } Esqrs. Wm Vaughan, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

His Honor the Lt Governor was pleased to make the following speech, the Representatives being present:

Gentlemen,—

His Excellency having acct your quota of men not to be had, transports not dispatched, not full care for supply for subsistance of soldjers for four months full provision from Nantaskett, and subsistance of soldjers while the forces stay; the 14th instant did Order me to come into the Province to lay the same before the Council, and take due care therein.

Pursuant to his Excellency's directions, the Council called did sit; my speech, with their answers, I have ordered the Secretary to lay before your Board as a memorial what to proceed on, to which refer.

I have recd from his Excellency, dated the 22d instant, to call you together and lay before you what offered in Council, and their answer.

There will be absolute necessity of raising three hundred pounds in mony forthwith; the very charge of subsistance for the soldjers while stay, will not amount to less than proposed; you must consider, Gentlemen, the Treasurer is every week in advance already money for subsistance of your men.

I laid before the Council my coming into the Province last year in great hazard of my life; spent my time & estate for service of the Province, and not one penny recd; And now by his Excellency's command am come into the Province, Council taking the same into consideration did pass a minute, it be laid before next Assembly, which you are, which minute the Secretary will bring before you.

[P. 278.] I do recommend to your consideration the raising of three hundred pounds for the present expedition to Canada, and mony for time and expenses I have been at in serving the Province.

Gentlemen:—

You may soon dispatch what is laid before you for consideration.

His Excellency gives his service to you and to let you know the honor of the Government doth lie at stake, for having a full supply of your quota of men and disbursement, that may be for this expedition.

I am informed her Majesty's fleet from Great Britain, bound hither, is set out. Hope you will be expeditious in your results.

By Mr. Penhallow, I received a letter from his Excellency, 24th June, to be communicated to this Assembly; Have Ordered Mr. Secretary so to do.

Likewise have another of the same date, giving an account of two hundred Indians come over the Lake from Mount Royall; been thirty two days on their March. On receipt thereof the Troops and forty men are ordered upon duty, but no provision; neither is there provision for men at the fort; Supplies for which will not be less than 100lbs, which must speedily be raised, by reason advance last year for provisions for soldiers in service not paid, none will now advance.

I have ordered the Treasurer to lay before this General Assembly a true statement of what's recommended now to you; And Order Mr. Secretary to present you with a minute of Council as for supplies.

The House of Representatives sent up the following vote, viz:

To the honabl Jno Usher, Esq., Lieut. Govr of this Province, and Council:

May it please your Honrs, in answer to the Lt Govrs Speech, as given by his Excellency's direction to the Assembly, setting forth the raising more money for supplies of our quota of men in the Expedition to Canada, We crave leave to inform, that our poverty is such that one third of the inhabitants have not bread to eat, nor wherewithal to procure it; there being a 1700lb tax forthwith to be paid, which we fear will be very hard and difficult for the poor people to pay. The raising more mony soe suddenly will put the inhabitants into such a consternation that we fear all will be in a flame; however, have agreed to raise 150lbs for defraying those charges proposed in your Honrs speech,

as is particularized in our vote sent up, ye being the sum of what we can do at present. 27th June, 1709.

Past by the House.

Saml Keais, Clerk.

The following vote was sent to this Board by the House of Representatives, in hæc verba:

Pursuant to the Honble John Usher, Esq., Lt Govern^'s speech to the Assembly by his Excellency's direction, setting forth the necessity of raising more mony for subsistance of our quota of men in the Expedition to Canada, and the scouts on the frontiers, both of foot and Horse:

That a Rate be made on all persons and estates throughout this Province, to the value of one hundred and fifty pounds, in equal proportion on the several towns, to be forthwith collected and paid to the Treasurer within three [P. 279.] months, as aforesaid by Law, for the Constables gathering Rates; five pounds whereof to be paid to his Honor the Lieut. Governor, fifteen pounds to be laid out for provisions for foot and horse appointed to be a scout on the frontiers; and one hundred and thirty pounds for support of our quota of men, being ninety four men bound for Canada.

Past by the House.

Saml Keais, Clerk.

Pray the said vote may be enacted and engrossed.

Saml Keais, Clerk.

27th June, 1709.

This vote was consented to by the Council.

Cha: Story, Secretary.

June 27th, 1709. Read in Council, and they desired his Honor would call the House of Representatives and hold a conference, for that the sum of 150 lbs. would not answer the ends proposed.

His Honor the Lieut. Governor sent Mr. Secretary Story as a message to the House of Representatives, to call them

to this Board, who accordingly came, and his Honor did acquaint them that the sum of 150 lbs. mentioned in their vote would not answer what he proposed to them in his speech; and that the equipping of the transport vessels to Sea with good ground tackling, &c., being for the safety of men's lives, was of as absolute necessity as any thing else; and that it was the mind of the Council they raise more mony to answer all things mentioned in the said speech, if they made it payable, six, nine, or twelve months hence, So then the Treasurer could provide at present all necessaries needful, he having a fund for the same and they allowing interest.

The Conference being over, the Representatives went to their House and immediately sent up the following vote to this Board:

May it please your Honors,—

As to the Second motion made by the Honble the Lieut. Governour, for raising more money than voted for already, we humbly answer, wee have already laid before your Honors the poor state and condition of our Inhabitants, how uncapable they are. Wee further crave leave to inform you as to the state of the fort at [P. 280.] New Castle. There is a stated company of men there, paid both meat and wages by the Province. If those should not be sufficient, we pray your consideration in this, that whereas by Law one half of every company are, on any alarm, forthwith to march thither for relief, not only this, but the whole town of New Castle have been and still are, exempted from all other services save there; And for their doing duty at said fort will be far easier to them than any other town, all the frontiers being constantly on duty, watching, warding, and scouting, finding themselves provisions; and for such to be taxed for finding others that doe nothing near their duty would be a hardship on her Majesty's good subjects of the frontier; And that if more men must attend the fort it may be done by those of said New Castle

that do no other duty. All which we humbly offer to consideration, being humbly of opinion New Castle men sufficient to supply the said fort with men, and find themselves, as others of the frontiers do, and that the mony already raised may attain the end for present.

June 27th, 1709.

Past by the House.

Saml Keais, Clerk.

His Honor was pleased to acquaint the Gentlemen of the Council that according to his Excellency's Commands he had called an assembly and had laid before them the great necessity of raising three hundred pounds for subsistance of our quota of men, as also to raise mony for provisions for the fort Wm and Mary, and for the troops and forty soldiers to scout at the frontiers, the enemy being expected every day. And that the equipping of the transport vessels to sea with good ground-Tackling, &c., being for the safety of men's lives, was of as absolute necessity as any thing else, and that instead of raising mony sufficient to answer those ends, they have only raised one hundred and fifty pounds, which is much short of what his Excellency expects. Therefore his Honour communicated his Excellency's letter to this Board, of the 22d current, relating to the Assembly, and desired their advice therein, which letter is in the hand of the Lt Governour.

[P. 281.] The Council were of opinion that it was very proper the Assembly should be dissolved.

Mr. Secretary Story was sent as a message to the House of Representatives to call them to this Board, who accordingly came. And the Act, —

Entituled An Additional Act for the subsistance of our quota of men to join with the forces now designed against Canada, &c., was past and enacted.

Then His Honor the Lieut. Governor, by advice of the Council, dissolved the Assembly: And the Council advised

that another be called, and sitt on Thursday next, ten of the clock in the forenoon, to which time the Council is adjourned.

[P. 282.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 30th June, 1709.

Present,

The Honourable John Usher, Esq., Lieut. Governour,

Peter Coffin, Wm Vaughan, Robert Elliott, } Esqrs. Sam[l] Penhallow, John Plaisted, } Esqrs.

Mr. Sheriff made return of his precept about the election of a new Assembly.

Peter Coffin and Wm Vaughan, Esqrs., were appointed to goe to the House of Representatives and administer the oaths appointed by Law to the Assembly men returned by the Sheriff, and that Mr. Secretary Story attend the said Peter Coffin and Wm Vaughan, to administer the oaths accordingly.

The names of the Assembly men that then took the oaths appointed by Law, viz. : —

Portsmouth.	Dover.
Capt. Mark Hunkin,	Nath[l] Hill,
Richard Gerrish,	Steph. Jones,
Sam[l] Keais.	Zekiel Wentworth.
Hampton.	**New Castle.**
Major Joseph Smith,	Theodore Attkinson, Esq.
Dan[l] Tilton,	
Ephraim Marston.	

Exeter.

Theophilus Dudley, Nicholas Gilman, } Swore the 1st July, 1709.

Mr. Plaisted was sent as a message to the House of Representatives to direct them to proceed to the choosing a Speaker of this House.

The House of Representatives being called to this Board presented their Speaker, Mark Hunkin, Esq., which his Honour allowed, and then made the foll. speech, in hæc verba:—

Gentlemen:—I am glad of the opportunity of meeting with you, and to see your readiness; security of life and estates depends upon your proceedings and dispatches; what was laid before last assembly shall order the Treasurer and Secretary to lay before you, to which refer for your consideration:

[P. 283.] Supplies for subsistance of soldjers, equipping transports, &c.; for which purpose three hundred pounds, if money be not raised, your frontiers not safe, and transports will not be fitted out.

For answering the abovesaid, propose an Act for a sum to be paid into the Treasury about nine or twelve months hence, and the Treasurer to take mony at interest, for the same, what advanced being all ready mony.

That Honourable last Assembly was pleased to raise 150 lbs., signifying the last Assembly before their then sitting had raised 1700 lbs.; and that the raising more mony soe suddenly will put the inhabitants into a consternation, that they did fear all would be in a flame; if mony be not raised, if all be not in a flame, all must sink.

I am surrounded with great complaints, great Debts due, and some of long standing, and persons cannot obtain their rights, nor have their acc^{ts} justly adjusted for relief therein; hope you will take care at your next session to relieve the oppressed, and do justice to all.

Gentlemen,—I hope you will shew yourselves loyal subjects and true Lovers of yor Country, in dispatching what is laid before you for supplies in Expedition to Canada, And security of this her Majesty's Goverment.

His Excellency's letter of the 28th curent, directed to Colonel Usher, Lieut. Governour, relating to Transports and raising mony for quota of men, and to send thirty men wanting of our complement, was communicated. Letter left with the Lt Governour.

His Excellency's letter of the 28th curr^t, directed to the Honorable Major Wm Vaughan, Esq., was comunicated to this Board, in hæc verba sequen:

Boston, 28th June, 1709.

Sir: —

The worst thing is coming towards the Province of New Hampshire that ever yet happened to them, that is the loss of their reputation with her Majesty and the Government; I have here but sixty men of one hundred, and eight of them are already run away; And all your Goverment civil and military are not able, and therefore not willing to raise them; and the reason is because the Assembly has not in time past paid them as [P. 284.] they ought; nor will now raise the mony necessary for them, which I must plainly lay before her Majesty, if not now complied with. And there are men in the world will be glad of such a handle to doe their own business by. If I have not thirty men sent, I am also upon the defense of my self at home.

I can boast how I have with five hundred men at a time defended the Province with the Massachusetts men and mony; and am ready always to do it; and expect to be obeyed when her Majesty's commands are so just and good.

I desire you to comunicate this letter to the Gentlemen of the Council, Mr. Waldron and others, who have reason to concern themselves in this soe great a failure.

And let it be lodged with Mr. Secretary for my own justification, which I must take care for.

Your servant, J. DUDLEY.

To the Honourable William Vaughan, Esq.
To be communicated.
Portsmouth.

The Council desires that the above letter be comunicated to the General Assembly by Mr. Secretary Story.

His Honour the Lieut. Governour Ordered that the same be communicated accordingly, which was done.

Adj^d till 3 o'clock, post meredíem.

[P. 285.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 30th June, 1709, by adjournment, Post merediem.

Present,

The Lieut. Governr,

Peter Coffin, Robert Elliott, } Esqrs. Wm Vaughan, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

Mr. Secretary Story was sent as a message to call up the House of Representatives to this Board, to hold a conference relateing to the Town of Exeter not having made a return of the election of their Representatives.

The House of Representatives accordingly came up, and his Honour the Lieut. Governr acquainted them, that whereas the town of Exeter had neglected to make a returne of their Representatives chosen by virtue of a precept from the sheriff to them directed, that the House of Representatives had full power to issue forth their warrants to summon all the select men of the said town to appear before them and shew cause why they neglected to make such return; And if they find them to be guilty of contempt or other fault, they had power to fine them as they should see meet.

Adjd till ten of the clock, to-morrow morning.

[P. 286.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Friday the first day of July, 1709.

Present,

The Honble the Lieut. Governour,

Peter Coffin, Wm Vaughan, } Esqrs. Robert Elliott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

The following vote relating to two members of the House of Representatives was sent up to this Board, in hæc verba: May it please your Honour,—

The select men and town clerk of Exeter have this morning satisfied this House that Capt. Theophilus Dudley and Capt. Nicholas Gilman were at a legal town meeting chosen their Representatives; we humbly pray they may be qualified in order for their admission.

July 1st, 1709.

Past by the House.

Saml Keais, Clerk.

Ordered, that Major Wm Vaughan and Peter Coffin, Esqs., tender the oaths appointed by law to Capt. Theophilus Dudley and Capt. Nicholas Gilman; And that the Secretary Administer the same, which was accordingly done.

Mr. Secretary was sent as a message to call the House of Representatives up to this Board, who accordingly came.

His Honour the Lieut. Govr made the following speech, in hæc verba sequen:

Gentlemen:—

In the evening 30th June last I recd from Captain James Davis at Oyster River, an account one Stevenson was killed by the enemy at four in the afternoon; he, with his company upon the march expected a body of the enemy near; prays for help. I imediately Ordered half of Hampton and half of Portsmouth to march. Capt. Thomas Phipps, Esq., High Sheriff, [P. 287.] with great chearfulness, in person offered to march with his men to their reliefe, who accordingly did.

I am informed the shallops at sea make discovery of the enemy.

I laid before the last Assembly the raising mony sufficient for provision for soldjers for defence of the Province, but they would not.

I must acquaint you I have but one day's provision; what I recommend to you, I hope you will Honourably comply; you being surrounded by the enemy hope will make you expeditious in your results.

Adjd till two of the clock, Post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday, the 1st July, 1709, at Portsmouth, Post merediem.

Present,

The Honourable the Lieuten^{t} Governour,

Peter Coffin, Robert Elliott, } Esqrs. Wm Vaughan, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

The following vote was sent up from the House of Representatives to this Board, in hæc verba:

May it please your Honour,—

Wee have considered the proposals laid before us and doe find it of absolute necessity (tho' wee are present not able) to raise one hundred and fifty pounds, and therefor have voted accordingly, that time be given for payment; we note in your Honours speech to us, that the Treasurer should show us the state of the Province, which wee have perused, and hope what already hath been granted by the former Assembly, with this may be sufficient for the Treasurer's supplying provisions, &c., for soldjers, at her Majes- [P. 288.] ty's fort, and for what may be necessarily ordered on the frontiers, besides his equipping the expedition for Canada, and therefor accordingly it is

Voted, That the hundred and fifty pounds be applied first to the equipping the Transports for the Cannady expedition, and for support of what soldjers shall be necessarily posted at her Majesty's fort and scouting on the frontiers; and that the Rate or tax therefor be duly laid on all persons and estates, equally divided for each town, by the first day of March next, and order for the payment thereof, by the last of May then next following, to the Treasurer, for the time being.

Wee also are sensible that a great deal of injustice hath been done to the poor inhabitants of this Goverment, which we think hath much been an hinderance and haul back to the noble expedition against Canada, and also to our Trade in this Government, which is so well seated for Trade and the fishery, by which reason many well minded go from us: We therefore intend at our next session to inquire into, and amend all just grievances that lie before us, and for the future—

Resolve:—

That all persons employed for necessary service in the Queen's employ, shall bring in their acc^ts thereof every year, or every half year, unto a comittee therefor appointed; and care shall be taken for the payment of such debts as shall be allowed and found honest.

July 1st, 1709. Past by the House,
Saml Keais, Clerk.

His Honour the Lieut Governour ordered Mr. Secretary Story as a message to call the House of Representatives to this Board, to hold a conference, who accordingly came and brought up with them the following vote:

[P. 289.] Wee having considered the great necessity of carrying on the expedition against Canada, do vote:—

That one hundred and fifty pounds be raised on all persons and estates by an equal proportion for each town, for the fitting out and equipping the said Transports; and that the tax therefore be committed to the Constable by the first of March next, and order for the payments by the first day of May then next following, to the Treasurer, for the time being.

Past by the order of the House of Representatives.
1st July, 1709. Saml Keais, Clerk.

His Honour the Lt Govr was pleased to acquaint them, that in their vote they had only raised money for equipping Transports, and had omitted taking care for provisions for her majesty's fort W^m and Mary, and the Troop now out a scouting after the enemy, and other foot scouts constantly sent out.

The Bill following having been three several times read, and past both Houses to be enacted, was consented to by the Honble the Lt Governour, and by him signed accordingly; viz:—

An Act for equipping her Majesty's two transport vessels, belonging to this Province, now bound upon an expedition for her Majesty's especial service to Canada; for provisions

for the soldjers at her Majesty's fort W^{m} and Mary; and for the scouts at the frontiers.

Ordered, that the said 150^{lbs} be disposed of as foll., viz: 100^{lbs} for the Transports, 30^{lbs} for provisions at the fort W^{m} and Mary, and 20^{lbs} for the frontiers.

Prorogued till Monday come 14 days, being the 18th instant.

Pursuant to his Excellency's commands the Assembly was prorogued till Wednesday, the 17th August, 1709.

Met, and prorogued till Friday, the 19th Aug., curr^{t}.

[P. 290.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Friday, the 19th of August, Anno Domini 1709.

Present,

Peter Coffin,	Esqrs.	Wm. Vaughan,	Esqrs.
Robert Elliott,		Saml Penhallow,	
Nathl Weare,		John Plaisted,	

Mr. Secretary Story was sent as a message to the House of Representatives to call them up to this Board, who accordingly came, and his Excellency the Governour's letter of the 16th curr^{t} was comunicated to the General Assembly, in hæc verba sequen:

Boston, August 16, 1709.

Gentlemen:—

The delay of the fleet for the expedition has eaten one month of your provisions for your soldjers, and the return in the winter demands two months more, for fear of being blown off and starved, which the other goverments, at my desire, have supplied.

I desire you will give your vote accordingly, and direct the Treasurer to take care therein, as well as for a supply of more clothing; and that you will enable him to do it. I hope I may see you in October, and set your affairs in the best order you and I can.

The Massachusetts have given each soldjer a warm coat, of twenty shillings price. You will Honour your selves to doe the same; you will please to consider this and rise in two days.

And I do hereby prorogue the Assembly to Wednesday, the 19th of October next.

J. DUDLEY.

To the General Assembly of the Province of New Hampshire.

To Mr. Secretary Story, to be communicated to the General Assembly of her Majesty's Province of New Hampshire.

[P. 291.] The following vote was sent up from the House of Representatives to this Board:

Voted,

That the Treasurer be desired to continue the subsistance of the soldjers bound against Canada; and in case they proceed this winter, to advance two months provisions more than already raised, for which we promise care shall be taken for payment of in as soon convenient time as may be after the collection of what is already granted.

Augt 19th, 1709.

Past by the House.

Saml Keais, Clerk.

Aug. 19th, 1709.

Read in Council, allowed and approved of, nemine contradicente.

The General Assembly, pursuant to his Excellency's letter before mentioned, is prorogued till Wednesday the 19th of October next.

[P. 292.] Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, the 26th of September, 1709.

Present,

Major Wm Vaughan, Robert Elliot, } Esqrs. John Gerrish, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

His Excellency's Letter of the 21st current, in hæc verba sequen., was read at this Board:

Boston, 21st Sept., 1709.

Gentlemen, — Colonel Vetch, her Majesty's agent for the Expedition to Canada, has desired a meeting of the several Goverments to consult and advise what is to be done in case her Majesty's comands should not arrive; to sit at Rhode Island, or some middle place.

I direct that you agree among yourselves of one gentleman of the Council and two other of the Representatives, such as the Speaker and soe many of the gentlemen of that House as can meet shall choose, to attend me to that Congress; it is probable I shall proceed about this day fortnight. If the gentlemen be appointed and ready, they shall have another letter from me what day to come away.

There must be no doubt made of obedience to this order, as we tender our obedience to her Majesty, and our hopes of her further favor; the benefit will be a joint representation to her Majesty to bear a part of the past charge, and to put forward the expedition next year, and to represent that your quota is too high, considering you are a frontier.

The Treasurer must assist those three gentlemen with subsistance, and I shall dispatch them home as soon as I can.

[P. 293.] I forget the prorogation, the time of it; but you are hereby allowed to call together the Representatives for this errand and business; Mr. Penhallow or Mr. Waldron must stand for the Councillor. And if the commons please they may send Capt. Vaughan for one of the commons, who perhaps may represent the matter in England; for that I am of opinion that Con-

gress will send some gentleman home to carry their papers. Let me hear from you by express forthwith.

Your humble servant,

J. DUDLEY.

On her Majesty's service.

To Mr. Secretary Story, to be communicated to the Council.
New Hampshire.

Voted, that Samuel Penhallow, Esq., goe as one of the Council to his Excellency, to meet the several Governours at Rhode Island, or where they are appointed to meet, to advise what is to be done relating to the expedition to Canada, in case her Majesty's commands should not arrive.

Past by the Council, nemine contradicente.

Cha: Story, Secretary.

The above vote was ordered to be sent down to the House of Representatives by Mr. Secretary Story, which was sent back to this Board from the said House, with the following addition:

Voted, that Mr. Speaker and Major Joseph Smith goe from the House of Representatives.

Past by the House.

Samuel Keais, Clerk.

Upon reading the above vote from the House of Representatives, it was ordered at this Board, that Samuel Penhallow, Esq., and Mr. Secretary Story, go as a Message to the House of Representatives, to acquaint them with the purport [P. 294.] of his Excellency's letter relating to Capt. Vaughan, and our quota of men, &c.

The representatives were pleased to answer, they had well considered his Excellency's letter in every particular, before they made their vote.

[P. 295.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Monday, the twenty-eighth day of November, 1709.

Present,

Peter Coffin,	Esqrs.	Robert Elliot,	Esqrs.
Wm Vaughan,		Saml Penhallow,	
Nathl Weare,		John Plaisted,	

His Excellency's letter of the 21st currt was read at this Board, in hæc verba sequen:

Sir:—Notwithstanding my last ordering a prorogation, I now direct that the Assembly sit on Friday, to go through the article of the agency agreeable to what I have written to the Speaker, and when that is done, then prorogue for a week, as I directed.

I desire the gentlemen of the Council to put that matter in a true light, that the agency is very important, and will be very short, and must not be very changable, and if the Comons come into the vote for an Agent, the person, instructions and charge shall be after adjusted.

Let the Comons be disposed to raise the mony for the payment of their debts; and that they may know them, let Mr. Treasurer give them a state of their debts, and direct Colonel Walton, in my name, to see the muster rolls of both companies made up fair, and Mr. Treasurer for Transports, &c.

The whole charge will be paid here in twenty days, and your Goverment cannot be supported but by justice.

If the sum be now granted, it will be May before it be gathered. Let the gentlemen of the Council take care for the Honour of the Government in this matter.

I am your servant, J. Dudley.

To Mr. Secretary Story, to be communicated to the gentlemen of her Majesty's Council, Portsmouth. J. Dudley.

[P. 296.] Nathaniel Weare and Samuel Penhallow, Esqrs., were sent to the House of Representatives with Mr. Secretary Story, to qualify Mr. James Rendall to sit as a member of that House, who accordingly took the oaths appointed by Law.

Adjd till to-morrow morning, ten of the clock.

Province of New Hampshire.

At a Council and General Assembly, held at Portsmouth, on Tuesday, the 29th day of November, 1709.

Present,

Peter Coffin,	Esqrs.	Robert Elliot,	Esqrs.
Wm Vaughan,		Saml Penhallow,	
Nath. Weare,		John Plaisted,	

The House of Representatives was called up to this Board, who accordingly came, and the Gentlemen of the Council was pleased to acquaint them that,—

Pursuant to the Governs letter of the 21st currt, respecting the agency and supporting of this her Majesty's Goverment, by defraying the charge thereof, we think meet to inform you the absolute necessity of one and the other: as to the former, that it would be of great advantage to lay before her Majesty the bleeding state of this Province, by reason of a long war, that our quota of men may be regulated, and the late charge considered; and whereas the neighboring Goverment have had their rites and priviledges confirmed by a due application unto her Majesty, that the like application be done respecting this [P. 297.] Province; which wee conceive cannot be so well done without improving or sending one from hence.

Colonel Walton will wait on you to-morrow morning with the muster rolls, and Mr. Treasurer will lay before you the present state of the Province, which wee hope you will consider, and take due care for a speedy payment of the debts, for that the Honour of the Goverment cannot otherwise be supported.

The following vote was sent up to this Board by the House of Representatives:

May it please your Honors,—

We have perused and considered the proposals given us.

We think it necessary that our circumstances be humbly laid before her Majesty in order for our grievances to be redressed and our properties confirmed.

Wee having considered the former, do think if any expedition intended against Canada next spring, our improvement in sending by letter, or a person on purpose, will be too late to relieve any grievance therein.

Wee have considered the necessity of having our rites and properties confirmed by her gratious Majesty; Also the charge of sending an Agent; Think as your Honours first propose—improving a person there may be as advantageous and less charge much than sending; which person or persons so to be improved, we pray to be advised of, by those Gentlemen that hath been improved in the Agency for this Province.

Wee have considered and resolved when we know the debts of the Province, to pay them as soon as possible wee are capable.

Voted, at the House of Representatives, the 29th November, 1709.

Sam[l] Keais, Clerk.

Adj[d] till to-morrow morning, 10 of the clock.

[P. 298.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Wednesday, the 30th of November, 1709.

Present,

Peter Coffin,	Esqrs.	Robert Elliot,	Esqrs.
W[m] Vaughan,		Sam[l] Penhallow,	
Nath. Wear,		John Plaisted,	

The two following votes were sent upp to this Board by the House of Representatives, viz:

May it please your Honours,—

By the account and Muster Rolls laid before us by the Comissary General, wee find the province in debt; and in order for a right knowledge of the sum, wee pray that a public notification may be given for each person in the

province to bring in their claims to some or one member of this House, so that there may be care taken for the payment thereof.

Nov. 30th, 1709.

Past by the House.

Saml Keais, Clerk.

It is desired by this House, that the Honourable Council of this Province, in his Excellency's the Governour's absence, take into their consideration to dismiss the several soldjers belonging to the several Towns of this Province now at the fort Wm and Mary, only the four standing soldjers there belonging, which has been practicable to be released before this time of the year.

Nov. 30th, 1709.

Past by the House.

Saml Keais, Clerk.

Prorogued.

[P. 299.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Friday the second day of December, 1709.

Present,

His Excellency Joseph Dudley, Esq., Governr, &c.,

Peter Coffin, Wm Vaughan, } Esqrs. Robert Elliott, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

Voted, that John Campbell, Post Master General, be paid out of the Treasury in course eighteen pounds, for his service in taking care of all Expresses, and his Excellency's Letters to and from this Goverment.

Adjd till to-morrow morning, 10 of the clock ante merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Saturday, the third day of December, 1709.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Peter Coffin, Wm Vaughan, Robert Elliott, } Esqrs. Samuel Penhallow, John Plaisted, } Esqrs.

The following vote was sent upp to this Board, from the House of Representatives:

May it please your Excellency, we are sensible that it is our duty and will [P. 300.] be our interest to represent the poor distressed condition of this Province to her Majesty, in order to have our grievances redressed, and thereby our frontiers defended and preserved against our enemies, which we may fear will visit us; and are considering thereof. Also the acc^{ts} of our Debts and taking all possible care for the payment thereof, that soe we may, as our intention is, do justice in all things.

3^{d} Dec., 1709.

Past by the House.

Saml Keais, Clerk.

The petition of several of the inhabitants of Quamscott was read at this Board, in hæc verba sequen:

To his Excellency Joseph Dudley, Esq., Govr and Comander in chiefe of her Majesty's Province of New Hampshire, in New England, and to the Honorable the members of her Maj^{ties} Council in the said Province:

The humble petition of the inhabitants whose names are hereunto subscribed, living within the Bounds of Quamscott patent in New Hampshire,

Humbly Sheweth,—

That your petitioners are in number upwards of sixty families, and live very remote from any publick Meeting House for the worshipp of God, and meet with great difficulties to get to the nearest meeting house in the winter time, (which is Exeter) some

living six, some five, and some four miles distant; Therefore are desirous to be a townshipp of themselves, they having never yet been joined to any Town, only having paid taxes sometime to Hampton, sometimes to Exeter; and your petitioners being in a capacity and willing and ready to maintain a minister and school master, within such limited time as your Excellency and Honor shall appoint, they having never had any benefit of a school for the education of their children, by reason of their living a great distance from any school:

May it therefore please your Excellency and Honours to grant unto [P. 301.] your petitioners a Charter for a town to be settled upon Quamscott patent, with such Grants, covenants and clauses as your Excellency and Honours shall see meet; and with the following bounds, or what other bounds may be thought proper, (to wit) beginning at a rock called Brandy Rock, near Sandy Point, And to run up to the River by the mouth of a creek called Wheelwright's Creek, And to run at each end into the woods, upon a south east line, three miles.

And your petitioners, as in duty bound, shall pray, &c.

James Runlett,	John Jones,
Tho. Reed,	Phillip Duly,
Tho. Bryer,	Ithiel Smith,
Jn° Hanniford,	Richard Morgan,
Jonathan Norris,	James Caneston,
Nathl Foulsham,	Samuel Green,
Saml Levitt,	Tho. Speed,
Richard Calley,	James Godfrey,
Thom. Vesey,	Ann Wiggin, Widd°,
Ephraim Levitt,	Abraham Morgen,
Edward Masarvy,	Ezekiel Ladd,
Syman Wiggin,	Owen Runlett,
Andrew Wiggin,	George Vesey,
Jonathan Wiggin,	Jonathan Clark,
Wm French,	Stephen England,
John Pett,	Benj. Hodge,
Wm Moor,	Josiah Clark,
Danl Levitt,	Benj. Levitt,
Henry Lampire, [?]	Satchell Runlett,
John Mason,	Benj. Jones,
Samuel Piper,	Thomas Polley,
Richard Crockett,	Phillip Spenlow,
Samuel Skillen,	John Snickler,

Nathl Watson,
Benj. Rawlins,
Benj. Palmer,
Tho. Wiggin,
Tho. Wright.

[P. 302.] The following desire in Obstruction to the said petition was put in at this Board, in hæc verba sequen:

May it please your Excellency,—

Wee, whose names are under written, living within the petitioned Bounds of Quamscott, doth earnestly desire that your Excellency and Honours would be pleased to deny the request of those petitioners for a township in Quamscott; as for the generality of the said petitioners are poor people, and several of them according to the best of our knowledge, instead of defraying any town charge, are rather likely to be a town charge themselves—yo[r] earnest desirers:

John Clark,
Moses Levitt, Jr.,
W[m] Chiles,
John Mead,
Charles Runlett,
Nath[l] Ladd,
Nath[l] Right,
Joseph Lorrence,
Benj. Tailor,
Edward Fifield,
David Robison,
Jonathan Robison,
Benj. Brown,
Nath[l] Stevens,
Joseph Rolins,
John Roberts,
Moses Rolins,
Tho. Rolins,
Israel Smith.

In answer to the afore petition of the inhabitants of Quamscott:

The Council do very well commend the good and religious inclination of the subscribers to establish the worship of God amongst them; and direct them to proceed to make a subscription of what sum each man is capable to pay towards the support of a minister annually, and bring the same to the next meeting of the Governour and Council within six months next coming; when they shall be further considered and directed to proceed in their good intentions.

Per Order. Cha. Story, Secretary.

5th December, 1709.

Ordered, that Robert Elliott and William Vaughan, Esqrs., be a Committee of this Board to join with two of

the Representatives to examine and audit the Treasurer's acc^{ts}.

[P. 303.] Province of New Hampshire.

The following of the inhabitants of the South part of Hampton was read at this Board, viz:

To his Excellency Joseph Dudley, Esq., Governour and Comander in Chiefe in and over her Majesty's Province of the Massachusetts Bay and New Hampshire, and the Honourable the members of the Council and Representatives, convened together in General Assembly, now sitting:

The humble address and petition of her Majesty's Loyal and dutiful subjects belonging to the South part of Hampton, in said Province of New Hampshire, commonly called Hampton falls, Most humbly sheweth,—

That your petitioners being at that distance from the publick place of the worship of God at the Town, and soe many difficulties in going, and many times no passing over the Causeway by any means, that it hath caused your petitioners to be at the charge of building a Meeting House upon our side of the Town, and have had a minister for some time, and doing all by free contributions our selves; and the other part of the Town being the Major part of the Town, Rates us in the full proportion according to our estates, to the repairing the Meeting House and parsonage, and to the minister there, which is burdensome to us, and we are not able to settle a minister with us for want of some better settlement in the matter.

Wee therefore pray that in your wisdom you will grant us some relief in this matter, either that the Town and we on our side may maintain two by raising our Rates in general together, or that we may be freed from the paying to the Town, and have power given us to make a Rate or tax for the subsistance of one with us.

John Gove,	James Prescott,
Nathl Batchelder,	Timothy Blake, Sen.,
Tho. Cram,	Jacob Green,
Joseph Sanburn,	Isaac Green,
Saml Healey,	Danl Tilton,
Nathl Wear,	Joseph Swett,
Nathl Wear, Jr.,	Joseph Case,
Timothy Hillyard,	Jonathan Mason,
Moses Blake, [P. 304.]	Benj. Fifield,

Jethro Tilton,
Bonus Norton,
Joseph Emons, [?]
Ebenez^{r} Gove,
Jonath^{a} Philbrook,
Joseph Cram,
Ephraim Hoyt,
John French,
Peter Wear,
Cha. Pottle,
Saml. Shaw,
Wm Sanburn,
Jno Brown,
Holdridge Celley,
John Eaton,
Nathl Prescott,
Jacob Basford,
Israel Blake,
Israel Clifford, Senr,
Benj. Batchelor,
Jonathan Batchelor,
Israel Clifford,
Benjamin Hillyard,
Nathl Sanburn,
James Prescott,
Benj^{a} Sanborn,
Saml Tilton,
Philemon Blake,
Benj. Cram,
Joseph Tilton,
David Tilton,
Jonathan Fifield,
Enoch Sanburn,
Jacob Clifford,
Zacharias Clifford,
Caleb Shaw,
Wm Brown,
Benjamin Perkins.

Upon a full hearing of both parties in Council upon this petition, the 3^{d} December, 1709, voted that the contract and agreement of the Town of Hampton for the maintenance of Mr. John Cotton, their present minister, be and is hereby ratified and confirmed; And the town directed to proceed for the raising and payment of the same as in all time heretofore; That the petitioners and such others as are joined with them on the westward of Tailor's River,* have power at a meeting once a year for that end, to choose among themselves three persons to be Assessors for raising the sum of ——— for the maintenance of such learned and orthodox minister to officiate in the New Church at Hampton, as they shall agree to call to the service there, with the advice of Mr. Cotton, their present minister; that the affairs may proceed with such peace and friendship as becomes religion and good order; And that the Assessment upon the

*[In 1685, "17th of 11," Henry Dow, Town clerk of Hampton, entered in his diary, as follows: "The number of souls this side of Taylor's river, 495; over Taylor's river 212." "*This side*" means the north side; "*over*" means the south side or Hampton Falls.—Ed.]

said petitioners and inhabitants on the said Western side of Tailor's River, being signed by the said Assessors, shall be Collected by the Constables at all times, and paid into the minister for his support, as in all other Towns and precincts in this Province.

Past by the Council.

Cha: Story, Secretary.

[P. 305.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Monday, the 5th Xbr., 1709.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Peter Coffin, Robert Elliot, Wm Vaughan, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

The foll. votes was sent upp from the House of Representatives, in hæc verba sequen:

Portsmouth, 5th December, 1709.

In the House of Representatives, voted unanimously, —

That there be four thousand pounds, Bills of credit, raised and brought into the Treasury of this Province, and from thence issued for the payment of the debts of the Province, and that Major Wm Vaughan, Samuel Penhallow, Mark Hunkin, Speaker, Theodore Attkinson, Esq., and Mr. Secretary Story, may be a comittee forthwith to goe to Boston to obtain leave of the Goverment there, to impress and perfect the said four thousand pounds in Bills, and to sign the same; unless, which wee rather desire, they can obtain of the Goverment of the Massachusetts to lend us the said sum of four thousand pounds of their Bills, and take security upon our fund, and Act of the Assembly made by this present session for the raising cf five thousand pounds in five years next coming, for the support and payment of the

said bills, and the said Wm Vaughan, Samuel Penhallow, Mark Hunkin, Theodore Attkinson, and Charles Story, Esqrs., are hereby Impowered as a comittee of the General Assembly of this Province, to doe and perform what is necessary for the finishing this affair, and procuring the Bills aforesaid as soon as is possible, that the debts of the Province may be discharged.

Saml Keais, Clerk.

Pursuant to the aforesaid vote, a bill was drawn upp and sent down to the House of Representatives, & annexed to the said vote, who Imediately sent the said vote back with the following words thereto annexed: —

Whereas the bill mentions the annual time of payment to be in October, we pray it may be in Xber, that being the most suitable time for the farmers to make mony of what they raise; and further we pray, if it may be, that a longer time may be given for payment of said bills; and whereas the bill mentions four thousand pounds, we pray the sum may be but three thousand pounds, which we hope, by what is mentioned in the memorial lying before us, may be sufficient to pay all our Debts; and the bill for raising five thousand pounds be as mentioned in the said bill, if there be occasion for soe great a sum.

Past by the House.

Saml Keais, Clerk.

[Petition of John Cross.]

May it please your Excellency.

[P. 306.] My poverty and distres causeth my Importunity so long and often to your Excellency for Justice. It is some years since your Excellency in Council ordered, that I should have liberty of sueing John Hinkes, Esq., for twenty-nine pounds, due for service as a soldjer at her Majesty's fort at Newcastle; which sum your Excellency was satisfied he had of mine in his hands, and I was to have an attorney, other fees, &c., free; but your Excellency not directing any particular attorney, none would do it.

I humbly pray your Excellency would consider and relieve m

herein, as your Excellency shall think most fit; either by ordering my due from the Treasury or otherwise, and your Excellency's humbly obedient though distressed servant, as in duty bound, shall ever pray for your Excellency's prosperity.

Portsmouth, 5th Xbr, 1709.

JOHN × CROSS.

In Council.

In answer to the above petition of John Cross, an old servant at her Majesty's fort, the articles whereof appear to be true at this Board, by the minutes of Council referring thereto, —

Ordered, that Mr. Secretary Story assist the said Cross, *sub forma pauperis*, to drawing the writs and giving copy of the papers and minutes of Council, and managing the case; and that Mr. Sheriff Phipps doe serve the writs and doe the duty of his office for said Cross (so far as concerns the said Cross to pay) without fees, and that the judges receive the said Cross's action without fees for themselves or officers.

Past by the Council, nemine contradicente.

Cha: Story, Secretary.

[P. 307.] The following votes were sent up from the House of Representatives, — viz.:

Voted, that his Excellency be directed to cover the address of the General Assembly now past to Mr. Henry Newman, at Whitehall, praying him immediately to attend Colonel Nicholson with it, and to keep Colonel Nicholson company at the representation of it to her Majesty; and that they pray my Lord Sunderland to introduce them.

Past by the House.

Saml Keais, Clerk.

Consented to by the Council, nemine contradicente.

Cha: Story, Secretary.

Portsmouth, 5th Dec., 1709.

Honble Sir, — We are encouraged by his Excellency our

Governor, that you will favor the Assembly of this Province soe far as to present our Address to her Majesty and represent our poverty and distress; and yet an earnest desire that the expedition against Canada may be revived in the Spring, Agreeable to our address, which Mr. Newman waits on you with, whom we have desired to attend you on our behalf. And we humbly pray you to represent his Excellency our Governor well in all the offices at Whitehall, which is the agreeing sense of us.

We are your most obliged humble servants,

The Council and Assembly of the Province of New Hampshire.

Mark Hunkin, Speaker.

To COLONEL NICHOLSON, Esq.

By order of the Council.

Cha: Story, Secretary.

5th Xbr, 1709. Past by the House.

Saml Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

Portsmouth, 5th Xbr, 1709.

Sir, — I am commanded by the Governr to Cover this vote to you, and pray you to persue the intent of it. If Colonel Nicholson should not be arrived, you will please to open the letter directed to him also.

I am sensible of the trouble you will have in this matter, but if you please to Honour this Province, I hope the Assembly will acknowledge it sometime.

I am your humble servant,

C. S., Secretary.

To MR. HENRY NEWMAN, Whitehall.

[P. 308.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adjournment, on Monday, the 6th Dec., 1709.

Peter Coffin, Robert Elliot, Wm. Vaughan, } Esqrs. Samuel Penhallow, John Plaisted, } Esqrs.

Mr. Treasurer Penhallow did this day appear in Council and made oath to the truth of his general account for the year 1708 and 1709, both of debt and credit, the whole am° 1351 : 13 : 5, which acc^tt was also examined & approved of by a comittee of both Houses, and allowed in Council, and the balance due to the Treasurer, being 162 : 15 : 1, ordered to be paid out of the Treasury.

Ordered, that Mr. Treasurer Penhallow be paid out of the Treasury, the sum of 29^lbs : 14^s : 5^d, for his trouble in receiving 1188^lbs : 18^s : 4^d, and the sum of thirty-two pounds, five shillings, for his trouble in paying 1289^lbs : 14^s : 0^d.

Ordered, that Mark Ayres be paid out of the Treasury, in course, two pounds two shillings, for his labour and Leather in making of snow shoes.

Mr. Treasurer Penhallow, his debenter, amounting to 140 : 19^s : 10^d, for victualling soldjers and disbursements in entertaining the Govr, Lt Govr, &c., at several times, having been audited by a committee and by them approved of, was allowed in Council.

Colonel Walton's Muster Roll, relating to the expedition ag^t Canada, Am° to 674^lbs : 14^s : 8^d, was allowed in Council and ordered to be paid out of the Treasury.

Capt. Austin's muster roll, relating to the expedition ag^st Canada, Am° to 448^lbs : 5^s : 8^d, was allowed in Council and ordered to be paid out of the Treasury.

[P. 309.] Whereas Ephraim Eaton and Joseph Dow were brought to her Majesty's goal in Portsmouth, for refusing to pay their rates to the town of Hampton, and it appearing to the Govern^r and Council that they had paid

their rates this year to the town of Salisbury, in the Massachusetts government, there being a difference about the Bound Line betwixt the two Provinces, and is not yet known in which government the said Eaton and Dow live:

Ordered, that they be released from their imprisonment relating to the said Rate, and free from all charge.

Mr. Treasurer delivered in an account of the impost and excise, amounting to 33^{lbs}: 0^{s}: 0^{d}, which being audited by the committee, and approved of, was allowed in Council.

To the Queen's most Excellent Majesty.

The address of your Majesty's most dutiful and Loyal subjects, the Governour, Council and Representatives of your Majesty's Province of New Hampshire, in New England, convened in General Assembly,

Most humbly Sheweth:—

That in the midst of the great distresses that your Majesty's most dutiful loyal subjects of this your Majesty's Province were involved in, by the frequent incursions of our ill neighbours, the French of Canada, and their dependent Indians, to the great hurt of our plantations and settlements, your sacred Majesty has been pleased of your Royal Bounty and compassion to supply us with a number of cannon and stores for our defense; The receipt whereof has invigorated and encouraged us in the defense of our frontiers, and our marches against the Indians [P. 310.] in their secret recesses in the woods, which are always and still successfully put forward by your Majesty's Governour for our security, to our perfect satisfaction:

That while we were thus defending ourselves and families against the common enemy of the repose of all your Majesty's Brittish subjects in the plantations abroad, as well as in Europe, we were pursued by the challenge of Mr. Allen, for the Lands and soil under our feet, which we have this sixty years defended with our lives and estates, as well as the assistance of our good neighbours of your Majesty's colony of the Massachusetts:—your Majesty of your Royal and princely regard to us has dismissed that challenge, which will forever encourage us to our utmost power to defend this your Majesty's Province; since we may now hope to leave our children in the possession of the country, with

an entire dependence upon your Majesty and your royal successors, without the danger of any further unjust challenge from those persons that have so long disturbed us with their claims:—

And whereas your Majesty, out of a gratious regard to this and other your Provinces in these parts of America, was pleased to form a design against the French settlements at Canada and Nova Scotia the last summer, but a more important service in Europe, requiring your Majesty's forces which were intended hither, whereby that design is laid aside for the present: Wee most humbly pray your Majesty that it may consist with your royal pleasure to revive the said design, and that the expedition lately intended may be prosecuted seasonably the next spring, and that [P. 311.] your Majesty's Arms in America may have a glorious success as in Europe, to the utter confusion of your enemies, and lasting repose of all your Majesty's good subjects inhabiting this continent.

We most humbly tender our everlasting praises to Almighty God for your Majesty's most glorious successes against the tyranny and usurpation of the French king, and heartily pray for your Majesty's long life and happy reign, and the continuance of the protestant succession, for the benefit of your Majesty's subjects of Great Britain, and all your Majesty's Dominions and plantations, and of all Europe who have had the unspeakable benefit of your Majesty's unparaleled Reigne.

We are your Majesty's most Loyal and obedient subjects.

Cha. Story, Secretary.

Signed in presence and by order of the Council.

Portsmouth, in New Hampshire in New England, 6th December, 1709. Mark Hunkin, Speaker.

Signed, in presence and by order of the house of Representatives.

[P. 312.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, on Wednesday, the 8th of February, 1709.

Present,

Peter Coffin,	Esqs.	John Gerrish,	Esqs.
Robert Elliott,		Sam[l] Penhallow,	
W[m] Vaughan,		John Plaisted,	

Adj[d] till to-morrow, two of the clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by Adj^{t}, on Thursday, the 9th of February, 1709.

Present,

Peter Coffin,	Esqs.	John Gerrish,	Esqs.
Robert Elliot,		Saml Penhallow,	
Wm Vaughan,		John Plaisted,	

Adj^{d} till to-morrow, ten of the clock, ante merediem.

[P. 313.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday, the 10th of February, 1709.

Present,

Peter Coffin,	Esqs.	John Gerrish,	Esqs.
Robert Elliot,		Saml Penhallow,	
Wm Vaughan,		John Plaisted,	

His Excellency's Letter of the 6th current, in hæc verba sequen., was communicated at this Board and sent to the House of Representatives:

Boston, 6th Feb'ry, 1709–10.

Gentlemen:—

I have the visitt of your Treasurer, Speaker, Secretary and Capt. Attkinson, referring to your Bills of credit, and that matter is proceeding to y^{r} satisfaction.

They have further considered and advised with me, referring to an address which they will show and lay before the Assembly, with Instructions for the agent's proceeding.

Whether you will send an Agent from hence or employ one there is the next question, and because I cannot be present to assist in the consideration you must allow me to write.

I believe an Agent from hence best, and I think the gentleman you employed last year very fit for your service; and if you think the expense too great at present and that it may be brought forward by a person there, and perhaps a person from Home next year may be present at the perfecting of your affairs, I then think it best you employ Mr. Henry Newman, a very good gen-

tleman and very acceptable with those upon whom he depends; to whom you must then supply thirty or forty guineas, and you may by him get the matter so brought forward as to be finished another year.

If you take either of those ways and the Address and Instructions [are] agreeable to your own thoughts, I hope [P. 314.] my absence will be no hurt or injury to your affairs; if any new question occur you may express it out and have in 24 hours, and you shall not stay for my opinion.

I heartily wish you good agreement and successful proceedings, and am

Your very humble servant, J. DUDLEY.

For her Majesty's Service.
To the Gentlemen of her Majesty's Council, to be communicated in General Assembly.

The following vote was sent upp from the House of Representatives to this Board, viz:

Gentlemen:—

We have perused and considered the Governor's letter relating to an address to the Queen's most Excellent Majesty by an Agent from hence or employing one there in London; we think it necessary that one or the other way it should be done, but have thought and enquired how mony should be obtained, find noe way to raise it for the present.

Wee pray your Honours' advice in this matter, and in any thing that may be for the benefit for the Goverment wee shall always do our duty.

Past by the House.

Sam[l] Keais, clerk.

Voted, 10th February, 1709-10.

May it please your Honours:—

At the last sitting of this House we choosed three of y[e] House to be a committee to examine the Province debts; wee pray that wee may join some of the members of her Majesty's Council therein, and that a time may be ap-

pointed for their meeting, after due notice given, to the inhabitants to bring in their claims.

Past by the House of Representatives.

Voted 10th February, 1709. Saml Keais. clerk.

From the Commons.

Mr. Speaker, Mr. Elliott,
Major Smith, Mr. Plaisted,
Theod. Attkinson. Mr. Penhallow,

Appointed as a Comittee of the Council to join with the Committee of the House of Representatives.

Past by the Council.

Cha. Story, Secretary.

Adjd till to-morrow, ten of the clock, ante merediem.

[P. 315.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Saturday, the 11th February, 1709.

Present,

Wm Vaughan, Robert Elliot, } Esqs. John Gerrish, Saml Penhallow, } Esqs.

John Plaisted, Esq.

The following vote was sent upp from the House of Representatives, viz.: —

To the House of Representatives sitting—Voted,

That whereas his Excellency the Governr has been pleased to recommend to this Assembly the consideration of sending an Agent for England, or employing one there, to address her most excellent Majesty on several articles which has been laid before you; and whereas your house has been pleased to signify that you think it necessary to send an agent or employ one there, but having thought and enquired how mony should be obtained, find noe way to raise it for the present, and have desired our advice therein:

In answer thereto we say we are unanimously of opinion that an Agent be sent hence, and that you pass an Act for raising 500lbs to be paid, or a vote of your House to improve so many of the Province bills when perfected, to support that charge; and that he embark upon the first vessel bound to Portugal, or any part of Europe adjacent to Eng land.

11th February, 1709. Past by the Council.

Cha: Story, Secretary.

Prorogued till Monday, the 13th of March, 1709.

Met, and prorogued till Wednesday, the 12th April, 1710.

[P. 316.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, on Friday, the 12th of May, 1710.

Present,

His Excellency Joseph Dudley, Esq., Governr, &c.,

Major Wm Vaughan, Robert Elliot, } Esqrs. John Gerrish, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

A message was sent from this Board to call the House of Representatives upp, who accordingly came, and his Excellency made the following speech, viz.:

Gentlemen:—You have past the winter since I saw you without any inconvenience from the enemy, and we are yet in expectation of her Majesty's commands, which I am sure will be cheerfully obeyed in this and the other Province.

I shall be glad in the present session to agree to any thing for the benefit of the Province, which you have to offer.

I suppose your comittees have adjusted yor Debts; that by the help of your Bills of credit the government may stand fair with all her Majesty's good subjects, and the soldjers may be encouraged in the defense of the Province, to which there shall be nothing wanting on my part, while I have the honour to command, and may have the benefit of your advice for her Majesty's service.

The petition of Nicholas Davison was read at this Board (relating to his being wounded in the service), recommended to the House of Representatives.

The Committee for auditing the publick accounts of this Province brought in their report, and the same was read at this Board, in hæc verba sequen., viz.: —

[P. 317.] At a Comittee appointed by the General Assembly of her Majesty's Province of New Hampshire, to receive all claims of debts due from the said Province, and to adjust the same, doe make their report as followeth: —

		lbs.	s.	d.
1.	Lt Tippetts, as per his muster roll, allowd . .	6:	10:	2
2.	Capt. Hill's debenter about soldiers scouting, &c., not allowed.			
3.	Theodore Attkinson, Esq., allowed for victualing, ...	30:	0:	0
4.	Wm Loud's [?] acct, not allowed.			
5.	George Walker, as per certificate, allowed, .	0:	4:	0
6.	Nicholas Barcoe, as a soldjer at the fort, his acct not allowed.			
7.	Jeremiah Gilman's debenter referred, allowd .	1:	10:	0
8.	Wm Partridge's acctt referred, not allowed.			
9.	Tho: Webster's acctt, allowed, ...	3:	11:	0
10.	Thomas Phipps, Esq., sheriff, allowed of his acct	6:	0:	0
11.	Splan Lovel, allowd for attending the Assembly, &c., ...	10:	0:	0
12.	Benj. Levitt, by order of Council, allowed, .	1:	10:	0
13.	Jno Walker, his order, is referred, not allowed.			
14.	Samuel Penhallow, by several accounts, from (No 1 to No 7) amo to, . . 442: 14: 2 allowed, out of which sum there is to be deducted 350 lbs., paid him out of the 1720 lbs. tax,— soe remains due, ...	92:	14:	2
15.	Jonathan Sanborn, nothing allowd.			
16.	Theodore Attkinson, about repairing the fort boat, allowed, ...	1:	7:	2
17.	Jno Abbett, for carrying French prisoners to Boston, allowd, ...	1:	5:	0
18.	Colonel Partridge, per order of Council, allow'd	10:	0:	0
19.	Obediah Morss and Saml Hart, for shoeing his Exc. horse, allow'd, ...	1:	14:	0

20.	Widow Jose, for her husband's service in attending the Council, &c., in his life time, allowed,	5: 0: 0
21.	Byley Dudley and Liford's acc^{ts}, not allow'd.	
23.	Thomas Westbrook's acc^{ts} about timber for the fort, allow'd, ...	20: 0: 0
26.	Robert Elliot, Esq., for timber, &c., in Col. Romer's acc^{ts}, allow'd, ...	13: 0: 0
27.	To ditto Elliot, per order of council, for his shallop, ...	12: 0: 0
28.	Peter Coffin, Esq., for plank, &c., in Col. Romer's acc^{ts}, ...	10: 0: 0
29.	Major Joseph Smith, for snow-shoes, &c., allowed, ...	11: 0: 0
30.	To ditto Smith, for expresses, allow'd, . .	3: 16: 0
31.	Wm Ayres, for several expresses, allow'd, . .	1: 10: 0
32.	Ephraim Marston, for service at the fort, allow'd	1: 5: 0
33.	Capt. Hunkin, for his shallop, &c., in the service, allow'd, ...	2: 0: 0
34.	[P. 318.] Mr. Robert Coffin's account, about provisions, referr'd, not allow'd.	
35.	Colonel Hilton, for maintaining French prisoners, allow'd, ...	2: 0: 0
36.	Major Smith, as due to Capt. Dow, in his life time, on account of soldjers which fell short, unpaid of the muster roll, allow'd, . . .	6: 12: 8
37.	Richard Waldron, Esq., for himself and others, as per acc^{t}, allow'd, ...	25: 10: 0
38.	Lt Thing, for pasturing horses, nothing allowed.	
39.	Colonel Packer, about the squaw, allowed, .	70: 15: 4
40.	Messrs. Attkinson and Wybird, about the sloop Speedwell, in her Majesty's service, allow'd .	9: 16: 8
41.	Colonel Packer.	
42.	Capt. Pickerin's acc^{t}, about powder, not allow'd by reason in ye Council book.	
43.	Jonathan Sanburn, for pasturing horses, not allow'd.	
44.	Colonel Packer, for rent for his house, and medicines for Benj^{a} Lampree, a soldjer. . .	
45.	Roger Swaine, for entertaining the said Lampree.	
46.	Stephen England, for his attendance on the Assembly, allow'd, ...	2: 0: 0

47.	Robert Thompson, for killing an Indian, . .	5: 0: 0
48.	Colonel Hilton, as per muster roll.	
49.	Capt. Gilman, as per ditto, as per indorsement,	11: 0: 0
50.	Theophilus Smith, as per ditto, allow'd, . .	54: 13: 6
51.	Colonel Hilton, as per acco^{tt}, allow'd, . .	8: 0: 0
53.	John Gilman, about scouting, not allow'd.	
54.	Richard Doloph's acc^{tt}, not allow'd.	
55.	Edward Gilman's acc^{t}, not allow'd.	
56.	Thomas Wilson's acc^{tt}, referred, not allow'd.	
57.	George Almory's Acc^{t}, not allow'd.	
58.	Thomas Pearce, allow'd for mogasheens, as per acc^{t}, ...	5: 7: 0
59.	Obediah Morss, his Acc^{t} not allow'd.	
60.	John Abbett, as per his acc^{t}, allow'd, . . .	3: 19: 6
61.	Hugh Reed, as per acc^{tt}, allow'd, . . .	0: 15: 0
62.	Moses Paul, his acc^{t} not allow'd.	
63.	Thomas Pearce, about scouting, not allow'd.	
64.	Peter Foulsham, his acc^{t} not allow'd.	
65.	Major Smith, allow'd for expresses, as per his account, ...	2: 2: 6
66.	Wm Blackwell, for going express, allow'd, as per his acc^{tt}, ...	0: 8: 0
68.	[P. 319.] Joshua Liteman, his acc^{t} not allowed.	
69.	George Chisley, his acc^{t} paid.	
70.	Abraham Bennick's muster roll, referred, allow'd	7: 13: 8
71.	Joshua Weaks, for expresses, as per his acc^{tt}, allow'd, ...	0: 12: 0
72.	Joseph Bailey, for ferridge, as per acc^{t}, allow'd,	0: 15: 10
73.	Jacob Clark, for his shallop in the service, as per acc^{t}, allow'd, ...	1: 10: 0
74.	John Partridge, for ferridge, as per acc^{t}, allow'd,	0: 6: 0
75.	Mark Ayers, as per acc^{t} allow'd in Council, therefore not proper here.	
76.	John Snell, as per his acc^{t}, allow'd, . . .	2: 14: 0
77.	To Capt. Hall, Glidden and Lee, for Timber, allow'd, per acc^{tt}, ...	4: 0: 0
78.	Samuel Manson, for his shallop in the service, allow'd, ...	0: 15: 0
79.	Elisha Bryer, his acc^{tt} will be put into Mr. Penhallow's account.	
80.	Robert Coffin, his acc^{t} about provisions is in his muster roll.	

81.	Samuel Thompson, for riding express to Newbury, allow'd, ...	0: 8: 0
82.	John Bly, for expresses, &c., as per his acc^{t}, allow'd, ...	1: 10: 0
83.	Skipper Lunt, his acc^{t}, Mr. Penhallow will pay, it being in his acc^{ts}.	
84.	Alexander Miller, for Expresses, pasturing, &c., allow'd, ...	7: 0: 0
85.	Capt. Langdon, allowed for rackets, &c., 2^{lb}: 10^{s}, he bringing an acc^{ts} from whom the Racketts were impressed, ...	2: 10: 0
86.	Thomas Phipps, Esq., Sheriff, allow'd for expresses, &c., as per acc^{ts}, ...	6: 0: 0
87.	Col. Hilton, as per his acc^{t} for service, &c., allow'd, ...	84: 5: 3
88.	Edward Kate, for expresses, as per acc^{t}, allow'd,	1: 16 0
89.	Capt. Gilman's muster roll, allow'd, ...	15: 11: 3
90.	Capt. Jno Gilman's muster roll in marching to Amoskeag, ...	35: 1: 8
91.	Widow Bickford's acc^{t}, about ferridge, allow'd, as per acc^{t}, ...	1: 5: 0
92.	Capt. Robert Coffin's muster roll, about Troopers, referred to the Assembly, not allowed.	
93.	Israel March's acc^{t}, about medicines, not allow'd.	
94.	Capt. Robert Coffin's muster roll, about Troopers, referred to the General Assembly, not allow'd.	
95.	Capt. John Gilman's muster roll, to Pigwackett, allow'd, ...	92: 7: 6
96.	Capt. Cass, his muster roll to Pigwackett, allow'd,	71: 13: 3
97.	Capt. James Davis, his muster roll, allow'd in Council, ...	5: 3: 0
98.	Capt. James Davis, his list about scouting, referred to the Assembly, not allow'd.	
99.	Lt Joseph Swett's Muster roll in marching to Saco, allow'd, ...	13: 9: 0
100.	Capt. Geo. Vaughan's acc^{ts}, referred to the Assembly.	
102.	Walter Abbett, James Abbett and Nathl Odiorne, as per acc^{t}, for their service, allow'd 18^{s} each,	2: 14: 0
103.	[P. 320.] Saml Shackford, for impressing, &c., allow'd by the Representatives, ...	2: 1: 0

104. Capt. Phipps' acc^{t}, about snow shoes, allow'd to the several persons, 2^{s} a pr. for mogasheens, and 8^{s} a pr. for shooes, ...	9: 0: 0
105. Capt. Robert Coffin's muster roll, in the year 1708, for scouting, am^{o} to 89: 13: 1½, is allow'd in full thereof, ...	30: 0: 0
106. Theophilus Smith, his muster roll for 1708, referred to the Assembly, not allow'd.	
107. Cornelius Conner, allow'd for hides and mogasheens, as per acc^{t}, ...	3: 8: 0
108. Ephraim Marston, allow'd for riding post to Boston, ...	1: 10: 0
109. Capt. Hunkin, Mr. Treasurer and Mr. Marston, allow'd for their time, expenses, &c., in going to the Congress to attend upon his Excellency for the service of the Province, as per acc^{t}, .	32: 10: 0
110. Mr. Treasurer Penhallow's acc^{t}, relating to the transports and expedition, &c., am^{o} to 2607^{lb}: 4^{s}: 7^{d}, there is allow'd to be due to him to balance as per said acc^{t}, ...	579: 0: 1
112. Capt. Nathl Hill, for going to Boston, &c., allow'd, as per acc^{t}, ...	3: 10: 0
113. Willm Cotton, for hides imprest, &c., allow'd, .	3: 0: 0
114. Capt. John Knight, allow'd for ferridge, as per acc^{t}, ...	1: 2: 0
115. Joshua Brackett, for going express, &c., as per order, allow'd, ...	0: 8: 0
116. Mr. Treasurer Penhallow, as per his acc^{t} about the bills of credit, &c., allow'd,. . . .	45: 6: 0
117. Mr. Treasurer Penhallow, as per his acc^{t} of expenses, &c., for the comittees going to Boston, for their time, &c., allow'd, ...	44: 11: 9
118. Jotham Odiorne, for pine boards, allow'd, as per acc^{t}, ...	1: 9: 3
119. Joseph Bailey, for ferridge, as per acc^{t}, allow'd,	0: 15: 0
120. James Rendal and Benj. Sevey, for work at the fort, allow'd, ...	1: 4: 0
121. Edward West, for going express to Newbury, allow'd, ...	0: 6: 0
122. Colonel Walton, for mony paid the carpenters and smith for work done to the carriages of guns, &c., allow'd, ...	2: 15: 0

123.	Mr. Attkinson's muster roll for soldjers, Anno Domini 1709, allow'd, ...	94: 11: 2
124.	Capt. Samuel Winckley's acc^{ts} about his transports, allow'd, ...	9: 14: 0
125.	Colonel Hilton, as per his acc^{t} of service done her Majesty in the year 1706, allow^{d}, . .	17: 0: 0
126.	To Mr. Secretary Story's acc^{ts} for his salary and service for the year 1709, allow'd him, . .	42: 1: 4
127.	Lieut. Thomas Tippetts, for snow shoes, allow'd,	0: 10: 0
128.	[P. 321.] John Partridge, his acc^{t} about ferridge, allow'd, ...	0: 15: 0
129.	Major Wm Vaughan, allow'd upon his acc^{t} as Agent two hundred pounds, to be paid out of the Treasury, besides two hundred pounds, with interest, which was formerly paid to Colonel Partridge for the Agent's uses, and is in full of all his accounts of Agency, to this day; And further, that the thirty pounds paid Colonel Partridge for his, the said Vaughan's, part in going to New York to the Earle of Bellomont, be repaid by the said Partridge to the said Vaughan, ...	200: 0: 0
130.	Mr. Treasurer's Acc^{t} for several disbursements, about the two Comittees and other things, allow'd, ...	77: 8: 11
131.	Capt. James Davis his muster roll signed by his Excellency the Governor, allowed . .	15: 3: 6
132.	Capt. Richard Gerrish's acc^{t} referred to the Assembly allow'd by the Assembly, . . .	10: 0: 0

Robert Elliot,
Samuel Penhallow,
John Plaisted,
Mark Hunking,
Joseph Smith,
Theodore Attkinson.

12th May, 1710.
Charles Story, Secretary.

The aforesaid report of the committee was sent down to the House of Representatives with the following vote annexed:

May 12th, 1710.

In Council.

The account above and the return of the Comittee is accepted and the Representatives are desired to proceed upon the articles referred back to the Assembly by the Comittee.

Past in Council, nemine contradicente.

Cha. Story, Secretary.

Allow'd per the Assembly.

133.	Capt. James Davis, as per acct for snow-shoes, &c.*	9: 0: 0
134.	Capt. John Gilman, as per ditto	5: 12: 0
135.	Robert Knight, as per noat	0: 12: 0
136.	Ephraim Marston, as per ditto	0: 13: 0
137.	Capt. Theophilus Dudley	2: 8: 9
138.	Capt. Davison allow'd for medicines, &c.	6: 0: 0
	And for Smart mony	6: 0: 0

16th May, 1710. The House of Representatives having perused the preceeding accts and settled to those articles referred to them, with the addition of some other claims, as is expressed, allow'd thereof by order.

Saml Keais, clerk.

Adjd till to-morrow morning, 10 of the clock.

*[Paper on File.]

Snow-Shoes.

A claim of the several persons under named for their snow-shoes and mogasans which were imprest for her Maj'tys service by Capt. James Davis, by order of Collo. Hilton.

Serg. Jonathan Woodman,	Abraham Bennet?
John Ambler,	James Durgin,
Joseph Smith,	Mr. Thomas Egerly,
Left. John Smith,	Thomas Drew,
Jaremiah Burnam,	Philip Chesle,
En. Francis Mathes,	Capt. James Davis,
En. Stephen Jones,	Samuel Waymouth,
William Jacson,	John Cromet,
Lt. Samuel Edgerly,	John Williams.

Tweve pare of snow-shose and mogasans was Improved under Coll. Hilton to the asteward to Picwacket and Marigwock, and non of them Returned. The Reast of them Improved in the winter scout above the heds of the province under Capt. James Davis.

Indorsed—"Capt. Davis, acctt. of snow-shoes. December 6, 1709."

Allowed nine pounds, pr the Committee & Assembly.

[P. 322.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Saturday, the 13th day of May, 1710, by adjt, ante meredicm.

Present,

His Excellency, &c.,

Major Wm Vaughan,	Esqs.	John Gerrish,	Esqs.
Robert Elliot,		Saml Penhallow,	
Nathl Weare,		John Plaisted,	

The petition of her Majesty's subjects of the south part of Hampton, commonly called Hampton Falls, was read at this Board, and is as followeth, viz:

To his Excellency, Joseph Dudley, Esq., Governr and Commander-in-Chiefe, in and over her Majesty's Province of the Massachusetts Bay and New Hampshire, and the Honble the members of the Council and Representatives convened together in General Assembly, now sitting.

The Humble address and petition of her Majesty's Loyal and dutiful subjects belonging to the south part of Hampton in the said Province of New Hampshire, commonly called Hampton Falls, most humbly sheweth,—

That your petitioners having formerly laid before yr Excellency and Council the great want of having one settled among us on our side of the Town in the work of the ministry, and now by God's good Providence have obtained the Reverend Mr. Theophilus Cotton among us in that work, and God by his awful stroke of Providence having removed, by death, the worthy and Reverend Mr. John Cotton* to our great lamentation, we do therefore pray, That we may be set off from the town from being at any charge as to procuring and maintaining a minister there; and that we may have power given us to make a tax or Rate, from time to time, as shall be for the support of our minister with us, and that each part of the Town maintain their own minister; That as we have been at equal charge according to our estates as [P. 323.] to purchasing and holding the parsonage at the Town, that now we may have some land appointed and laid out for a parsonage, as convenient as it may be had for the Falls side, according to the worth of our part of the town; That the Bounds

* Rev. John Cotton died March 27, 1710, aged 57 years.—N. H. Reg.

may be settled between each part of the town, Tailor River being so crooked that it parts the inhabitants belonging to our meeting-House, we pray that the River may be the bounds up to the place called Garland's Mill, and from thence to a Bound tree betwixt Exeter and Hampton, at a place called Ass Brook, or that a committee of indifferent men may be appointed to come upon the place, and they to settle the Bounds, as in your wisdom shall be directed, and as in duty bound we shall ever pray.

John Brown,
Joseph Tilton,
Robert Reed,
Edward Wilkins,
Israel Black,
John Swayn,
Caleb Swayn,
Peter Weare,
Joseph Sweet, Jr.,
John Drown,
John Gove,
John Cass,
Benj. Perkins,
Ebenez^r Gove,
Thomas Cram,
John Cram,
Wm Brown,
Joseph Cass,
Ephraim Hoit,
David Tilton,
Jacob Stanyan,
Saml Melcher,
Zacharah Clifford,
John Sanbun,
Jonathan Prescott,
John Eaton,
Nathl Prescott,
John Cram,
Wm Sanbun,
Benj. Cram,
Nathl Weare,
Joseph Swett,
Joseph Emons,
Timothy Hutchins,
Benj. Hillyard,
Israel Clifford, Jr.,
Jacob Clifford,
John Morginn,
Nathl Weare, Jr.,
Samuel Shaw,
Caleb Shaw,
Danl Tilton,
Tho. Philbrook,
Saml Healy,
Nathl Bacheler,
James Prescot, sen.,
Isaac Green,
Benj. Fifield,
Enoch Sanburn,
Benj. Bacheler,
Moses Blake,
Joseph Sanburn,
Philemon Blake,
Jonathan Fifield,
Wm Shipperd,
John French,
Caleb Perkins,
Timothy Blake,
Jethro Tilton,
Bonos Norton,
Jonathan Filbrook,
Nathan Green,
Nehemiah Heath.

Ordered that a copy of this petition be sent to the select men of Hampton, to attend his Excellency, Council and Representatives, on Monday next, in the afternoon, that there may be a full hearing betwixt all parties relating to the contents within mentioned.

Cha. Story, Secretary.

13th May, 1710.

Sent down to the House of Representatives for concurrence. Consented to by the House of Representatives.

Theodore Attkinson, per order of the House.

Adj. till Monday 10 of the clock, Ante Meridiem.

[P. 324.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adjournment, on Monday, the fifteenth day of May, 1710.

Present,

His Excellency the Governour,

Major Wm. Vaughan,	Esqrs.	Samuel Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nathl. Weare,			

The following vote was sent to the House of Representatives relating to the Bills of credit, in hæc verba sequen:

In Council, 15th May, 1710.

Voted, that the present Bills of credit, issued by the Goverment of the Province, be received by her Majesty's Treasurer and all subordinate officers, in the payment of public taxes, with the advance and addition of five per cent, which five per cent interest is to be accordingly allowed to the Treasurer in his account of her Majesty's Revenue, from time to time.

Past in Council.

Cha. Story, Secretary.

Which vote was sent up by the House of Representatives again, with the following vote annexed, viz:

Voted a concurrence by order of the House of Representatives, and that an Act be past accordingly.

Theodore Attkinson, Clerk pro tempore.

Wm. Brown's petition about his being Constable of Hampton, and not being able to collect his rates, &c., was sent down to the House of Representatives.

Adj^{d} till three of the clock, post merediem.

Met accordingly, present Ut Supra.

Adj^{d} till Thursday, ten of the clock, ante meridiem.

[P. 325.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Thursday, the 16th of May, 1710, ante merediem, 10 of the clock.

Present,

His Excellency the Govern^{r},

Major Wm. Vaughan,

Nathl Weare, John Gerrish, } Esqrs. Saml Penhallow, Jno Plaisted, } Esqrs.

Ordered, that the late Comittee for auditing acc^{ts} be continued till next General Assembly, and they are the persons appointed to audit the Treasurer's public acc^{ts} and report the same at the next General Assembly for concurrence.

Colonel Thomas Packer, his Acc^{t}, am^{o} to 43:13:1, as upon file, being read at this Board, was referred to the late standing Comittee for auditing acc^{ts}.

Colonel Shadrach Walton, his acc^{ts} relating to her Majesty's fort W^{m} and Mary, for service for himself and soldjers there, from March, 1709, to March, 1710, am^{o} to 136:2:

10 ½, was referred to the late standing Comittee for auditing acc^ts^.

Pursuant to a vote of the Assembly, May the 12, 1709, Major Shadrach Walton had fifteen pounds allowed him.

Saml Keais, Clerk.

16th May, 1710. Read in Council and ordered to be paid out of the Treasury, nemine contradicente.

Cha. Story, Secretary.

The following vote was sent from the House of Representatives to this Board in hæc verba sequen:

Voted, that the two thousand pounds of Bills remaining in the comittees hands be delivered to the Treasurer to be issued for the payment of the Province Debts.

In the House of Representatives.

Saml Keais, Clerk.

May 16th, 1710.

Consented to by the Council.

Cha. Story, Secretary.

Prorogued to the 19th June, 1710.

[P. 326.] In the affair of Hampton before the Council by petition,

Ordered, that the whole Town pay forthwith the arrears and funeral charges of their late minister;

That there be a Comittee appointed to report the Division of the paroches for the several meetings, and to consider how to settle lands for another parsonage; and a further hearing of the whole town be referred to the next General Assembly; and that the new parish in the mean time proceed in the maintenance of their minister, according to former order of this Board, saving that no person dwelling on the North side of Tailor's River shall be taxed for any land lying in the New Parish, until a further hearing be had thereupon; which is referred to the next session of the Assembly.

In pursuance of the above order the Comittee appointed are:

Major Vaughan, Samuel Penhallow,
John Plaisted, Theodore Attkinson,

or any three of them, to make report at the next General Assembly.

The following vote was sent up to this Board:

Province of New Hampshire.

Voted, that whereas John Partridge, presenting a petition to the House of Representatives requesting their consideration about a former petition laid before them, as coming from his Excellency Joseph Dudley, our Govern^r, and Council, to the former Assembly, in the year 1702-3, relating to his disbursements formerly on soldjers belonging to the Massachusetts and Province of New Hampshire, having acc^ts that the Massachusetts have ordered and allowed fifty pounds to be paid as part of what is due to the said Partridge, leaving forty-eight pounds, eighteen shillings, accounting it due from the said Province of New Hampshire, [P. 327.] having made inquiry thereof, do find ten pounds due to the said Partridge, he having received thirty-eight pounds, eighteen shillings, paid by this Province, doe therefore pray his Excellency and Council, that the Treasurer may have order to pay the said Partridge the aforesaid ten pounds, which makes up the said sum of forty-eight pounds, eighteen shillings.

Past in this House, May 24th, 1704.

Mark Hunkin, Clerk.

16th May, 1710.

Read in Council, allowed ten pounds.

Cha. Story, Secretary.

Prorogued to the 19th June, 1710.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Monday, the 19th of June, 1710.

Present,

Wm Vaughan, Robert Elliot, Saml Penhallow, } Esqrs., John Plaisted, Mark Hunking, } Esqrs.

Pursuant to a precept directed from this Board to the High Sheriff, for calling a Town meeting by the select men of Portsmouth, for electing or deputing a Representative to sit in General Assembly in the Room of Mark Hunkin, Esq., Mr. George Jaffrey was this day elected and chosen a Representative *in loco* Mark Hunkin, Esq., and took the oaths by Law established in the House of Representatives, instead of the oaths of allegiance and Supremacy, and repeated and subscribed the declaration before Samuel Penhallow and Jno Plaisted, Esq., two of the members of her Majesty's Council, the Secretary administering the same.

Mr. Secretary was ordered to go to the House of Representatives and desire the House to proceed to the choosing of a Speaker, and to Report the same to this Board, &c.

[P. 328.] The following vote was sent up from the House of Representatives:

June the 19th, 1710.

Voted, by the House of Representatives, that Capt. Richard Gerrish is chosen Speaker.

Saml Keais, Clerk.

His Excellency's letter of the 12th current was read at this Board, in hæc verba sequen:

Boston, 12th June, 1710.

Gentlemen:—

You are hereby directed upon the swearing of Mr. Waldron and Mr. Hunkin into the Council, upon the receipt of this, to prorogue the Assembly to Wednesday, 28th Instant, and so from

Wednesday to Wednesday weekly, until further order from my self; that I may be ready for her Majesty's service, which are to be expected every day.

And let warrants be given out in due form for the choice of a new member in Portsmouth, and that the Commons at their next meeting, receive the new member, and let him be sworne in due form, and let the House proceed to the choice of a Speaker, and let him be reported to me, that I may send my acceptance of him into that place, and the House thereupon ready for business in her Majesty's service.

I am, Gentlemen, your very humble servant,

J. DUDLEY.

Prorogued till Thursday, 29th curr^{t}, ante merediem.

Met accordingly, and prorogued till Thursday, the 3^{d} of August next, 10 oclock, ante merediem.

[P. 329.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, on Thursday, the 3^{d} of August, 1710.

Present,

Peter Coffin, Nathl Weare, Wm Vaughan, Robert Elliot, } Esqrs., Samuel Penhallow, John Plaisted, Mark Hunkin, } Esqrs.

The proclamation for an Imbargoe was read at this Board and ordered to be sent to the several officers, &c.

His Excellency's letter of the 31st July, 1710, was read at this Board and sent down to the House of Representatives, in hæc verba sequen:—

Boston, 31st July, 1710.

It is impossible for me at this time to see you in the Assembly, the whole affair of raising men, victuals, clothes and transports, for this great Province, lying upon me; which has been the occasion for my sending for Mr. Treasurer and Mr. Secretary, of New Hampshire, to apprize them of her Majesty's comands for the expedition to Port Royal, and that you may know every thing that concerns you in the Council and Assembly, they bring with them.

Copy of Col. Nicholson's Commission and Instructions relating proceedings of the Assembly of the Massachusetts thereupon:

Proclamation for encouragement soldjers volunteers, by which you will perceive there was no room to lessen your quota, but that you must proceed forthwith to raise your transports and provisions for three months, besides what shall be necessary before their Embarcation.

I must desire you to use no delay, but imediately and cheerfully consent in yor votes with this Goverment, [P. 330.] agreeable to all your prayers and humble addresses to her Majesty for this expedition, and in which you will, I hope, first and imediately obtain the benefit.

I am sensible of every article of distress you are in, but there is no help at this time; I shall do you all the favours in my power; I have sent out for thirty or forty Indians more than the complement of this Province, which I shall put in the stead of your English men, so far as they will go, upon a very easy hire, of which I have written to Major Smith and Colonel Walton, who may shew their letters, and in the absence of your men, if the troubles press upon you, I shall do my duty from hence to cover and support you. I have ordered the ninth of August for the appearance of 900 Massachusetts men at Dorchester and Cambridge, and I desire that your men may parade at the fort in New Castle, that day at furthest, from whence I will take order for their coming hither.

Gentlemen,—This is a very great affair before you, and the cheerful and speedy concurrence in every thing relating to the expedition will bespeake for yor Province her Majesty's favour in other articles referring to you.

The business of clothing is the only thing that will admit of your consideration, but that also must be soon ended; when you remember that all the other Goverments shall appear in regimental clothing, Hampshire will be out of countenance not to do the same, as well as the soldjers in your pay discouraged; and particularly if the Indians, that I hope to get for you, be not like their fellows, I shall by no means retain them in the service.

[P. 331.] I desire to let a few hours serve yor consideration in this matter, and let Major Smith and my officers proceed forthwith, and let your letters and his be exprest to me every three days.

The eyes of all Great Britain are upon us to see our obedience at this time; to make ourselves and our children easy and happy.

I am, Gentlemen, Your humble servant,

J. DUDLEY.

The copy of General Nicholson's Commission and part of his instructions relating to the reducing Port Royal, was read at this Board, as upon file.

The proceedings of the Council Warr relating to the reducing Port Royal, was also read at this Board, and sent down to the House of Representatives, and now upon file.

A proclamation relating to the encouragement of volun teers upon the expedition to Port Royal, &c., was read at this Board and sent down to the House of Representatives.

Adj^{d} till to-morrow morning, 10 of the clock, ante meridiem.

[P. 332.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday, the fourth day of August, 1710.

Present,

Peter Coffin, Nathl Wear, Wm Vaughan, Robert Ellott,	Esqrs.	Samuel Penhallow, John Plaisted, Mark Hunkin,	Esqrs.

The following vote was sent up from the House of Representatives and read at this Board:

Prov. New Hampshire.

Voted, That out of the hundred men to be raised in this Province on the intended expedition against Port Royal, &c., the Governour be desired to let the commission officers be inhabitants of the same Goverment; that for encouragement of volunteers, every one that will enlist shall have a coat of thirty shillings, and one month's pay before he embark, and be freed from any impress for three years after his return; excepting scouting near the garrison to which he belongs, watching, warding, &c.; That if this encouragement do not prevail for the bringing in volunteers the men impres^{t} by

the several officers shall be obliged to go in person or hire a soldjer to the acceptance of such officer, notwithstanding the former Act that excused any person impressed for the paying of four pounds.

Past by the House of Representatives.

Sam[l] Keais, Clerk.

Read in Council, 4th August, 1710, and consented to.

Cha. Story, Secretary.

Consented to.

J. DUDLEY.

Eodem die.

Voted in Council that Proclamations be sent to each town in this Province, pursuant to the above said vote; and that his Excellency be desired to issue forth proclamations accordingly.

Cha. Story, Secretary.

Consented to. J. DUDLEY.

4th August, 1710.

Read in the House of Representatives and consented to.

Sam[l] Keais, Clerk.

Richard Waldron, Esq., was sworn one of the members of her Majesty's Council, and took the oaths appointed by Law, &c.

[P. 333.] The following proclamation was consented to by both Houses, and ordered that Mr. Secretary send them to each minister of the several Towns, in Order to be publickly read at their meetings, next Sabbath day:

By his Excellency Joseph Dudley, Esq., Governour and Commander in Chief of her Majesty's Province of New Hampshire, in New England,

A Proclamation for a General Thanksgiving.

The *Un*constant unwearied course of Divine Bounty and goodness wherewith we are encompassed in the midst of our Great unworthiness, the distresses we labour under by the sore calamities of War, as the just demeritts of our sins, notwithstanding, demand our highest acknowledgments of gratitude to Almighty God;

it being our commanded duty in every thing to give thanks, whereto we are also invited by many special causes, particularly for the continuing of the life of our Sovereign Lady the Queen, the preservation of her Majesty's sacred person, and superadded glorious victories to her Majesty's Arms, with those of her allies in Europe this present summer; The happy arrival of her Majesty's forces from Great Britain for our relief from the insult of enemies; The signal mercy of God vouchsafed in answer for prayers for raine, under the late extreme scorching drought, by granting repeated plentiful showers, and wonderfully reviving the languishing fruits of the earth, so that there is the prospect of a plentiful Harvest; The preventing of the spreading mortal contagious sickness that was among us, and granting of general health:

I have therefore thought fit, by and with the consent of her Majesty's Council, and at the instance of the Representatives in their present session, to appoint and order [P. 334.] Thursday the tenth day of August current, a day for a General publick Thanksgiving throughout this Province, forbidding all servile labour thereon, and exhorting both ministers and people in their respective Assemblies, with a becoming devotion, to celebrate the praises of our most Gracious God, for the before enumerated and other his numberless mercies and favours; that glorifying him for them we may see more of his salvation.

Given at this Council Chamber at Portsmouth, the fourth day of August, in the ninth year of the reign of our sovereign Lady Anne, by the Grace of God, of Great Britain, France and Ireland, Queen, Defender of the faith, &c.

J. DUDLEY.

By order of his Excellency the Governour with the advice of the Council and Assembly.

Cha. Story, Secretary.

GOD SAVE THE QUEEN.

Adj^{d} till to-morrow morning, 10 of the clock, ante merediem.

Met accordingly, and adj^{d} to Thursday, the 8th current, 10 of the clock, ante merediem.

[P. 335.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Tuesday the eighth day of August, 1710.

Present,

Peter Coffin,	Esqrs.	Saml Penhallow,	Esqrs.
Wm Vaughan,		John Plaisted,	
John Gerrish,		Mark Hunkin,	

Richard Waldron, Esq.

His Excellency's Letters, dated the 1st and 5th of August current, was read at this Board and sent down to the House of Representatives, in hæc verba sequen:

Boston, 1st Aug., 1710.

Gentlemen:—

I desire you, as I have written to the Council and Assembly, to dispatch the affairs of the expedition; if then, the Assembly shall see meet to raise 2000[lbs] added to the 3000[lbs] already impressed, I shall agree to an Act for the repetition of 1000[lbs] and the Impression of one other 1000[lbs], provided the fund and security for the same be 1100[lbs] payable in November, 1715; and 1100[lbs] in the year 1716; See the Act well drawn after the manner of the Massachusetts Acts.

And again I require that nothing of this matter be offered until the affair of this Expedition be dispatched, and if then the Assembly doubt, it must be left to my next coming.

I am, Gentlemen, your humble serv[t],

J. Dudley.

To the Gentlemen of her Majesty's Council, to be communicated.

Roxbury, August 5th, 1710.

Gentlemen:—

I have the votes of the Council and Assembly referring to the Expedition; Tho' they may have abated that of the Officers being of the Province, because it is in a great measure useless, being always my own inclination; [P. 336.] and accordingly, I have now written to Colonel Walton, who is the Colonel of the regiment in which your men are to serve, to bring with him a Captain and two or three other fit persons, to be commissionated under him, for your

Companies; I must attend her Majesty's direction to put one officer into each of the companys, which shall be but a Lieutenant and Ensign, of whose wages you will be eased by her Majesty's payment of their wages; and you will presently see the benefit of their being joined with your officers, by their skill in instructing the soldjers; and it may be I may also otherwise dispose of them afterwards; and accordingly I have signed your votes and direct your proclamation to proceed forthwith in my name with the clauses in the vote and no other; and that this letter be of record with the files referring to the expedition; and pray you to proceed vigorously and give Major Smith and Colonel Walton all possible assistance and expedition. I hope I shall ease some of your men by some Martha Vineyard Indians upon a Small hire, but you must send me your Round hundred, and I will use my friendship to the most necessitous (if I can) with the advice of your own officers. I desire you to make no delay.

And I doe prorogue the Assembly, after these affairs are finished, to Wednesday the twenty-third instant, that I may write you once more before the forces embark if need be.

You must give your votes for the Transport, twelve weeks subsistence on board, and for the clothes, to Mr. Treasurer.

I am, Gentlemen, your humble servant,

J. DUDLEY.

To the Honble the Gentlemen of her Majesty's Council and the Representatives, in General Assembly, sitting in Portsmouth, New Hampshire.

Adj^d till to-morrow morning, 10 o'clock, ante meredicm.

[P. 337.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjourm^t, on Wednesday the 9th of August, 1710.

Present,

Peter Coffin,	Esqrs.	Saml Penhallow,	Esqrs.
Wm Vaughan,		John Plaisted,	
John Gerrish,		Mark Hunkin,	
Robert Elliot,		Richd Waldron,	

Ordered, that Capt. Mark Hunkin, Capt. Richard Gerrish, and Capt. John Wentworth, or any two of them, be desired

to apprize the two transports going upon the Expedition to Port Royal, upon their Oaths, and make return thereof into the Secretary's Office, with an Inventory of all tackle, apparel, &c., belonging to each transport, &c.

The following vote was read at this Boaad, being sent upp from the House of Representatives, in hæc verba sequen:

Voted, That Mr. Treasurer be desired to advance the mony for the equipping the Transports, clothing the soldjers, victualling and paying each volunteer a month's pay in advance, according to the vote of this House, which we promise to take care for the payment of. By order of the House of Representatives.

Portsmouth, 9th August, 1710.

Samuel Keais, Clerk.

Consented to.

J. DUDLEY.

9th Augt, 1710.

Read in Council and consented to, nemine contradicente.

Cha. Story, Secretary.

Prorogued to Wednesday, the 23d currt, 10 o'clock, ante merediem.

[P. 338.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by prorogation, on Wednesday the 23d of August, 1710.

Present,

The Honourable John Usher, Esq., Lieut. Governr, &c.,

Wm Vaughan, Saml Penhallow, } Esqrs. John Plaisted, Mark Hunkin, } Esqrs.

Richd Waldron, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives to call them to this Board, who accordingly came; And

The Lieut. Governour made the following speech, in hæc verba sequen :

Gentlemen, Council and Representatives:—

For two last years his Excellency having account of French and Indian enemy designing with a body to make an attack on frontiers, (Her Majesty's service requiring in Massachusetts his presence,) desired me to come into the Province to take care of your security both by sea and Land; accordingly did.

Last year when you set, I recommended raising mony for Expedition to Canada; accordingly with all readiness done; Accounts thereof sent to Lords Trade and Plantations which they take notice of; at same time recommended care to be taken for receiving claims for service of the Goverment, which I find have been done; which gives great satisfaction, being more than for six years before; I find mony raised for considerable payments as in your list allowed by his Excellency, which I hope clears all Province demands.

Hearing of insults of your enemies on frontiers, never the like trouble and danger as now; Queen being pleased to continue my Commission, thought it my duty in this time of extremity to visit you for taking care of yor frontiers and at all times shall come as apprehend her majesty's service requires my presence; must say his [P. 339.] Excell. did take care in giving orders for scouting, wanting of provisions same omitted, since come into Province finding it in sore distress, that persons could not go two miles from their house because of the enemy, I sent out half of Province to make discovery of them; after some returned from scouting to Oyster River, these men like to be taken by about twenty Indians; Immediately ordered Capt. Davis to march out to make discovery; Did see about four or five Indians, Judging may be about twenty, Pursued them, but they made escape. Capt. Gilman returned; give accounts they found tracts of considerable number of the enemy and where lodged, but as for enemies could see none.

Her Majesty having upon application sent Honble General Nicholson with forces out of Great Britain, for imediate benefit of those parts; for which his Excellency desirous an address of thanks may be sent for her Majesty; shall order Secretary to present you therewith, and his Excellency's letter for raising mony, dated the 18th Aug.

Recomend due care for Treasurer's security in advancing for this expedition; he shall lay before you acc^ts^ thereof, together with acc^ts^ of the Treasury.

When last year in Province recommended raising mony for my

support of honour Queen's Commission; pleased then to say would take it into consideration. Her Majesty recommending, raising mony for Governour and Lieut. Governour, I now recommend to your consideration, not doubting due respect to Queen's Commission, as well as forwardness in raising mony to value of great sums on other acc^{ts}: to be plain, served four years in time Mr. Allen's commission, expenses on Council and guards as well as my own, all out of my own estate, and never had to value of one drop of water at charge of Province, which stood me in some hundreds pounds; and six years served now, and not paid for my care, pains and service, purely for good of Province.

Considering a very busy time for your Harvest in the country, and the enemy being on your frontiers, having recomended abovesaid to your consideration, doubt not of your dispatch as to what laid before you.

JOHN USHER, Lt Govern^{r}.

Province N. Hamp., 23^{d} Aug., 1710.

[P. 340.] The following vote was sent upp to the House of Representatives, viz:

Voted, That George Jaffrey and Theodore Attkinson be a Comittee from this House, to join those gentlemen of the Council appointed to draw an address of Thanks to her Majesty for her favours in the forces sent under comands of General Nicholson against Port Royal, and all other her favours.

By order of the House of Representatives.

23^{d} Aug^{t}, 1710. Saml Keais, clerk.

23^{d} Aug., 1710. Read in Council and consented to, and Richard Waldron, Esq. is desired to join with Messrs. Jeffrey and Attkinson, to draw up the said address.

Cha: Story, Secretary.

[P. 341.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Thursday, the 24th of August, 1710, ante merediem.

Present,

The Hon. John Usher, Esq., Lt Govern^{r},

Major Wm Vaughan,

Richard Waldron, Mark Hunking, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

An Address to her Majesty was read at this Board and sent down to the House of Representatives in hæc verba sequen:

To the Queen's most Excellent Majesty.

The address of your Majesty's most loyal and dutiful subjects, the Governour, Council and Representatives of your Majesty's Province of New Hampshire, convened in General Assembly,

Most humbly sheweth,—

That in the midst of Trouble surrounding us from the enemy by sea and Land, we received with joyful hearts the advice of your Majesty's sending to our relief, from Great Britain, several ships of war, marines and warlike stores, &c., under the conduct of the Honourable Francis Nicholson, Esq., to form an Expedition against the French settlements at Port Royal and the coast of Nova Scotia; which we take to be so great an instance of your Majesty's care and regard for us that we cannot, but with a due sense of your Majesty's great favour therein, with all humble gratitude acknowledge the same. And though the circumstance of this poor Province (being all frontiers to the enemy by sea and Land) bespeaks the assistance of more men than the scattering inhabitants thereof, for its defense; yet we freely and readily sent [P. 342.] the quota demanded of us for this present expedition, with provisions, transports, and all things necessary for them,* and shall always exert our utmost endeavors for your Majesty's service, as becomes dutiful Loyal subjects.

It only remains that we continue our daily prayers to God

* "Nicholson brought from England five frigates, and a bomb ketch. These, with 3 fourth rates, 2 fifth rates, the province galley, 14 transports, in the pay of Massachusetts, 2 of New Hampshire, 5 of Connecticut and 3 of Rhode Island, composed the fleet, in which embarked a regiment of marines, and 4 regiments raised in New England." *Holmes An.*, vol. I., p. 501, Note.

Almighty, that by his good Providence your Majesty's arms may continue victorious in Europe; and that in these remote parts of your Dominions, particularly in this present expedition, they may be under the influence of the same Divine Providence, and attended with the like success.

That the present wars and troubles may cease, that your reign may be long and prosperous, and the remainder of your days lengthened out and attended with the blessing of peace and tranquility, both at home and abroad.

We are your Majesty's most Loyal and obedient subjects.

J. DUDLEY.

Signed in presence and by order of the Council,

Cha. Story, Secretary.

Portsmouth, in New Hampshire, in New England, 24th Augt 1710.

Signed, in presence and by order of the House of Representatives. Richard Gerrish, Speaker.

The petition of John Cross, relating to his maintenance, &c., was read at this Board and sent down to the House of Representatives, as upon file.

The following vote was sent up from the House of Representatives, in hæc verba sequen:

May it please your Honour,—

We are sensible of your Honour's great care of us formerly and lately, for which we render thanks, and are sorry the wars and other misfortunes hath of late so attended us, that at present we are not in a capacity of making any other answerable return, proportionable to your Honour's good service; but pray your Honour's acceptance of ten pounds to defray your Honour's present travelling expences, and [P. 343.] we hope your Honour will still continue proper methods for the defense of our frontiers, as may be most likely for their security.

In our last session we took care for the Treasurer's security, and have now voted an address of thankfulness to her Majesty for her great favour in sending forces, &c.,

under the command of General Nicholson, for the reducing Port Royal, and have appointed a Comittee therefor.

Augt 24th. Past by the House of Representatives.

Saml Keais, Clerk.

Adj^{d} to two of the clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 24th day of August, 1710, Post merediem.

Present,

The Lieut. Govern^{r},

Major Wm. Vaughan,

Richard Waldron, Mark Hunkin, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

As to the vote of the House of Representatives to present the Lieut. Governour with ten pounds to defray his present travelling charges, to and from the Province, and thanks for his service, The Council concurs therewith: but as to the other part of the vote, we are unanimously of opinion, its a reflection and indignity cast upon the Governour, as if his care of us were defective and himself negligent of taking proper methods for the defence of the frontiers,—which we cannot but resent.

[P. 344.] His Honour then proposed to the gentlemen of the Council, that he was going to Boston to-morrow, and if they had any thing to offer for her Majesty's service and good of the Province, he was ready to promote the same.

Mr. Secretary was sent on a message to call the House of Representatives to this Board, who accordingly came, and the Lieut. Governour made the following speech, in hæc verba sequen:—

Gentlemen:—

Yesterday had all chief officers to consult and advise what might be proper for your security, according to their desire, given directions therein; the great complaint was want of provisions; due care is taken thereof with the Treasurer for their supply, to their satisfaction.

Am glad my care formerly, and now lately, to yor acceptance, and assure you in discharge of trust reposed in me, shall continue my care, and at all times ready to serve you, and as occasion requires, visit you.

I sent an express to his Excellency with account of return of Capt. Gilman and Capt. Davis, and to know his pleasure as to adjourning or prorougeing the Assembly. This morning had a return, that you should be prorogued from Wednesday to Wednesday; accordingly adjourn you to next Wednesday, and so from Wednesday to Wednesday.

You are adj^{d} till his Excellency's further order.

JOHN USHER, Lt Govr.

24th Aug^{t}, 1710.

[P. 345.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, the 19th October, 1710.

Present,

His Excellency Joseph Dudley, Esq.,

Wm Vaughan, Peter Wear, } Esqrs. Richd Waldron, Saml Penhallow, } Esqrs.

John Plaisted, Esq.

His Excellency sent Mr. Secretary Story on a message to the House of Representatives, to call them up to this Board, who accordingly came, and his Excellency was pleased to make the following speech, in hæc verba sequen:

Portsmouth, 19th October, 1710.

New Hampshire.

Gentlemen:—

I am glad of your obedience and readiness in her Majesty's service in the expedition to Port Royal; wherein if by the good

Providence of Almighty God we shall succeed, and I have the honour to represent it to her Majesty, I shall be ready also to represent the unequal quota demanded of this province in proportion with the other Colonies.

I have directed Mr. Treasurer to acquaint you with the present state of the Treasury, and the necessity of raising 1000 lbs. in your province Bills, for the payment of the forces and their subsistance, either by a new impressing that sum in Bills, or repetition of so many of your bills that may come in upon the year's tax, which the Representatives will consider of and determine.

I am also to acquaint you that by letters from the Right Honorable the Lords Com^{m} at the Board of Trade and Plantations, I am acquainted that the challenge of [P. 346.] Mr. Allen to the lands of this Province is now depending before her Majesty; and if there be any representation or other service to be done in that affair, you will consider and move therein as you think proper; wherein my advice shall not be wanting when it is desired.

I have particularly to recommend to you the consideration of the Excise, which being well settled and directed, would go a great way in our annual charge; which for want of good provision in the Law is of very little signification. If it were farmed or duly collected, would amount to five times as much as the Treasurer can make of it, for want of such provision in Law or direction thereabout. Your affairs will not demand a long session; and the service of both the Provinces demands my speedy return to Boston. I shall therefore desire your dispatch, and there shall be nothing wanting on my part that you may be well defended from the enemy, and cozy and happy in all your affairs; which I am well assured will be pleasing to her Majesty, as well as the benefit and service of the Province.

Adj^{d} till to-morrow morning, ten of the clock.

[P. 347.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Friday, the 20th of October, 1710.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Peter Coffin,	Esqrs.	Richd Waldron,	Esqrs.
Wm Vaughan,		Saml Penhallow,	
Nathl Wear,		John Plaisted,	

His Excellency sent Mr. Secretary Story on a message to the House of Representatives, with the Impost Bill, &c.

The Bill for continuing several Rates and Duties of Excise, Customs, Impost and Tunnage of Shipping, was sent up to this Board, agreed to by the Council, and ordered to be Engrossed.

The following vote was sent down to the House of Representatives, viz.:

In Council,

Voted, that for the better management and advancement of the Excise of the Province, that the Treasurer for the time being, together with the Justices of the Sessions, shall from time to time, when they grant licenses to any of the inhabitants of the Province, shall set the Excise for such persons and houses; and if the said persons shall refuse to engage and secure the said excise so set by the Justices, the said Justices shall not grant such License petitioned for, but take care immediately that their signs be taken down by the Sheriff, and licenses granted to other persons as shall be thought fit for such Imploy.

20th October, 1710. Read in Council and consented to.

Cha: Story, Secretary.

[P. 348.] Richard Hilton, his debenture, amº to eight pounds, fifteen shillings and ten pence, for victualling of soldjers, &c., was read at this Board, considered, and allowed to be paid out of the Treasury.

J. DUDLEY.

Cha: Story, Secretary.

The following memorial was read at this Board, viz.:

To the Honorable Governour and Council,

That whereas I was under the service of this Province of New Hampshire, in the office of Capt.-Lieut., under the command of Colonel Shadrach Walton, and was allowed but three pounds per month; which I pray your Excellency and Honourable Council will be pleased to allow me

what was allowed to others in other provinces, in such a post, viz., four pounds ten shillings per month,— and shall ever pray, &c.

Nic[s] Davison.

23[d] October, 1710.

Read in Council and ordered the same pay as the Massachusetts pays a Capt.-Lieut. under a L[t] Colonel.

Cha: Story, Secretary.

Ajd[d] till Saturday morning, ten of the clock.

Met accordingly; Present antea.

Adj[d] till Monday morning next, ten of the clock.

[P. 349.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj[t], on Monday the 23 October, 1710.

Present,

His Excellency Joseph Dudley, Esq., Gov[r], &c.,

W[m] Vaughan,	Esqrs.	Rich[d] Waldron,	Esqrs.
Nath. Weare,		Sam[l] Penhallow,	
Robert Elliott,		John Plaisted,	

Mark Hunkin, Esq.

In the affair of the New Parish in Hampton, there appearing difficulty in making any division of the Lands or inhabitants for the support of the ministers in the two several parishes;

And whereas the inhabitants and Auditory of the old church have agreed with their present minister to pay him annually eighty pounds, half in current money and the other half in provisions, &c.; And to allow him the parsonage in the said town of Hampton, long since purchased by certain inhabitants there; and fire wood as in the said vote and agreement in the record will appear:

And whereas the inhabitants adjoining to the new parish

have considered to raise sixty pounds, and fire wood for their minister, and to lay out of the waste and unimproved lands in Hampton five acres for a house lot, and twenty-five acres for pasture, &c., for the parsonage there:

Voted, that it be recommended to the select men of Hampton to lay out the said two parcels of land indifferently, as well for the service as may be;

And that the Town of Hampton lay a tax annually for the said two sums, Am° to 140lbs, in species as above, and pay the incumbent of the old Church according to the agreement made with him; and the remainder to the incumbent of the New Church, from time to time.

23d October, 1710.

Consented to.

J. DUDLEY.

Read in Council and agreed to, Nemine contradicente, and sent down to the House of Representatives for concurrence.

Cha. Story, Secretary.

October 23d, 1710. Read in the House of Representatives and agreed with the Honble Council herein.

Saml Keais, Clerk.

[P. 350.] The following address was read at this Board and sent down to the House of Representatives, who agreed that the same be fairly ingrossed and sent to her Majesty, viz:

To the Queen's Most Excellent Majesty.

The humble Address of the Governour, Council and Representatives of your Majesty's province of New Hampshire, in New England,

Most humbly sheweth,—

That your most sacred Majesty's most dutiful and loyal subjects are deeply sensible of your Majesty's princely regard and favour in the support and defense of this province by the late supply of cannon and other warlike stores sent hither, as well as in your Majesty's most gracious care for us in sending such a force of ships

and marine forces, who in conjunction with the forces drawn out of these provinces, have, by the Good providence of Almighty God, put your Majesty into possession of the important fort of Port Royal, the head of Nova Scotia and L'Acadie, who have been these seven years the great pest and trouble of all the navigation and trade of your Majesty's Provinces on the coast of America.*

Your Majesty's most dutiful and loyal subjects do from this success and benefit take encouragement most humbly to address your Majesty, that such a number of your Majesty's ships of war and

**Capture of Port Royal.*

[Penhallow's Indian Wars, Coll. N. H. Hist. Soc., Vol. I., pp. 63–66.]

Col. Nicholson arrived at Boston, July 1st, 1710, in her Majesty's ship Dragon, attended by the Falmouth, and a bombship, with several transports, British officers, a regiment of marines, provisions, and stores of war; bringing with him her Majesty's royal command to the several Governors of the Massachusetts, New Hampshire, Connecticut and Rhode Island, to be assisting in the said expedition; who very readily obeyed and supplied their respective quotas of good effective men, with transports, provisions, stores of war, pilots, chaplains, chirurgeons, and all necessaries for the service.

Col. Nicholson was apppointed general and commander in chief, who embarked September 18th, from Nantasket, having with him her Majesty's ship the Dragon, Commodore Martyn; the Falmouth, Capt. Riddle; the Loustiff, Capt. Gordon; the Feversham, Capt. Pastor; the Province Galley, Capt. Southack; the Star Boom, Capt. Rochport. Besides tenders, transports, hospitals, store-ships, and twenty-five lesser vessels, with open floats, for carrying boards and necessaries for the cannon. The land forces consisted of five regiments of foot, whereof Col. Vetch was Adjutant-General; Sir Charles Hobby, Col. Walton, Col. Tailer, Col. Whiting, and Col. Reading, had commissions sent them from the Queen. * * * The fleet arrived in six days. On the 25th the whole army was landed. The fort fired on them, but did no damage. On Thursday, the 26th, at break of day, the General marched with the army on the south side, the marines in the front, Col. Reading at their head, Col. Whiting's regiment in the centre, Sir Charles Hobby in the rear, and Maj. Livingston with a party of Indians flanking the body in their march. Towards evening the Fort fired very smartly, and so did the French and Indians with their small arms, as they lay behind the fences, who killed three of our men. Next day, we mounted some of our guns, and made preparations to bring up the flat bottom boats, with the artillery and ammunition. In the evening, our bomb ships came up again, and threw thirty-six shells into the fort, which put them in an amazing terror. * * * * October 1st, the great guns were placed on the batteries; the mortars were also planted, and twenty-four cohorts at a little distance from the outward barrier of the fort. These all played upon the fort with good effect. The French, at the same time, firing their great guns and mortars upon us. The General sent Col. Tailer and Capt. Abercromby with a summons to Monsieur Supercast, the Governor, to deliver up the fort for the Queen of Great Britain, as her undoubted right. On October 5th, the Fort was delivered up on terms of capitulation, which allowed the Governor of the Fort, Monsieur Supercast, with his officers and troops, "to march out with drums beating, colours flying, and guns shouldered; each paying their respects to the General as they passed by; then our army entered the Fort, hoisted the union flag and drank the Queen's health, firing all the guns round the Fort, as likewise did the men of war, and other vessels in the River."

In honor of Queen Anne, the place was henceforth called ANNAPOLIS.

forces may be sent early the next spring to visit Quebec and Mont Royal [Montreal], with such additional forces from all your Majesty's Governments on the shore of America as may, by the favor of Almighty God, reduce these places to your Majesty's obedience, and thereby make the whole North America an addition to your Majesty's imperial Crown and dignity, from whence by the industry of your Majesty's leige people, at p'sent inhabitants, with such others as may be planted here, all sorts of Naval Stores may with industry and without any hazard or interruption be transported home, sufficient not only for your Majesty's service in the Kingdoms of Great Britain and [P. 351.] Ireland, but for all Europe, to the great increase of trade and navigation, the improvement of ships and breed of sailors.

Your Majesty's most loyal and Obedient subjects most humbly beseech Almighty God for your Majesty's health, long life, and the addition of further glorious victories over the great oppressor of the liberties of Europe.

We are your Majesty's most Loyal and obedient subjects.

J. DUDLEY.

Signed in presence and by order of the Council.

Cha. Story, Secretary.

Portsmouth, in New Hampshire, in New England, 23d October, 1710.

Signed in presence and by order of the House of Representatives.

Richd Gerrish, Speaker.

The following vote was sent from the House of Representatives to this Board in hæc verba sequen:

We rejoice to see your Excellency here at this time, and are thankful for your acceptance of our obedience to your Excellency's commands in the Expedition against Port Royal. We are satisfied that there wants mony in the Treasury and have therefore

Voted, That two thousand five hundred pounds be impressed in Bills of Credit on the same fund in proportion to the last three thousand pounds, and that it be first applied for payment of those debts, amo to about five hundred fifty-five pounds, allow'd by the comittee and assembly, and that the remainder be applied to the payment of such other debts as shall be allow'd by a comittee appointed to ex-

amine thereinto, and to settle the Treasurer's accounts, which we pray may be appointed out of both Houses; and that they making their return, allowed by the General Assembly, shall be paid and not otherwise attributed.

[P. 352.] We are thankful to your Excellency for your acquainting us with the letters from the Lords Comm[s] about our Lands, and pray your Excellency's continuation of friendship to us in that affair.

We are informed that the Hon[ble] her Majesty's Council made some exceptions to part of our vote last session, as thinking they were reflecting upon his Excellency. We intended no such thing but acknowledge your Excellency's care over us in all respects, and pray the continuation thereof, and always intend and shall endeavour to behave ourselves as Loyal Subjects to her Majesty and her Goverment, under your Excellency, which we hope and pray will be long and prosperous.

We think the Law of the Excise is good. It only wants to be put in due execution, but considering there might be considerable come into the Treasury by a duty on lumber exported,

Voted, That all the timber that shall be exported to any of the Maineland of America shall pay two shill. per ton, and that every vessel shall give bond to bring a certificate thereof, as in other cases, their bond for encouragement of Trade to be frank. That a committee be appointed to draw up an Act according to the vote, during one year.

Past by the House, 23[d] October, 1710.

Sam[l] Keais, clerk.

In Council.

About the clause in the representatives vote relating to a tax upon lumber, boards, &c., voted unanimously in the negative.

Cha. Story, Secretary.

23[d] October, 1710.

Adj[d] to 3 o'clock, post merediem.

[P. 353.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t}, on Monday, the 23^{d} October, 1710 ante [post ?] meredriem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

Wm Vaughan,	Esqs.	Richard Waldron,	Esqs.
Nathl Weare,		Saml Penhallow,	
Robert Elliott,		John Plaisted,	

Mark Hunkin, Esq.

Upon application of the friends of Mrs. Ann Hilton, widow of the late Colonel Hilton, referring to her said husband's services,

Voted, That the Secretary draw out an abstract of the several muster rolls, wherein Colonel Hilton commanded the forces of the Massachusetts as well as those of this Province, and that a certificate thereof be signed in Council, that the widow may obtain the payment of their proportion as this province has already done.

And as a testimony of the respect and honour to the good service of Colonel Hilton they move the Representatives that ——— pounds be presented to the widow, and that she be acquainted that there is no account of Colonel Hilton before the Assembly which is not adjusted and paid.

Past by the Council and sent down to the House of Representatives.

Cha: Story, Secretary.

Whereas there was a vote past for the payment of province debts according to the manner therein set forth, and the honourable the Council refuseth the whole vote, but join in the imprinting the sum therein voted for: We think we have done our duty as to the manner of raising [P. 354.] mony by each way, but considering our promise and obligation to the Treasurer for payment of his acc^{ts} of disbursements,

Voted, That 1200^{lbs} be raised on all persons and estates within one year from this day.

Past by the House of Representatives.

23^{d} October, 1710. Saml Keais, clerk.

Portsmouth, October the 23^{d}, 1710.

Gentlemen: —

The present members of her Majesty's Council and the present House of Representatives, have in their last sessions past the debts of this Province to the Treasury for the payment of about two thousand pounds.

Have addressed her Majesty in their session in August, with thanks for the Expedition to Port Royal, assuring the service of their quota of men and transports.

Have in this session acknowledged a further debt of about 550^{lbs}.

Have assured the treasurer in their last session of the payment of his disbursement for the Expedition, which amounts to 1250^{lb}.

Have this day voted to impress 2500^{lb} in Province bills for the discharge of all these engagements, and that the Secretary draw the Act, which being presented has no objection made to it, but is refused and the province left without possibility to subsist or proceed.

Mr. Secretary Story was sent on a message to the House of Representatives to read the above memorial to them, who accordingly did.

Mr. Secretary Story was sent to call the House of Representatives to this Board, who accordingly came, and his Excellency was pleased to prorogue the assembly to Wednesday, the — of March, 1710-11.

The foll. Bills having been three several times read and past both houses to be enacted, was consented to by his Exce^{l} and by him signed accordingly, viz:

An Act for continuing several Rates and Duties of Excise, Customs, Impost and Tonnage of shipping.

An Act for the raising twelve hundred pounds.

[P. 355.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Friday, the 1st December, Anno Domini 1710.

Present,

Major Wm Vaughan, Saml Penhallow,	Esqrs.	John Plaisted, Mark Hunkin,	Esqrs.

His Excellency's letter of the 27th of November, 1710, was read at this Board, viz:

Roxbury, 27th November, 1710.

Gentlemen:—

I have lately received a letter bearing date November 12th, 1710, signed by Richard Gerrish, Esq., Speaker of the Assembly of New Hampshire, and several other members of the House of Representatives, setting forth that at the last session of the Assembly there was not sufficient provision made for the payment of the Province Debts and intimating that the prorogation of the Assembly being for so long a time, they pray an intermediate speedy session to pass the money Bill projected the last session, for the raising two thousand five hundred pounds in Province Bills, upon a just fund, and Grant of so much to be paid to her majesty's treasury to support the credit of the said Bills.

The said Bill for the two thousand five hundred pounds having been formed and engrossed and read in the House of Representatives, and read in Council, where I was present, and upon some debate laid aside, and another Act brought in for 1200lbs only, for the present supply of the treasury, which as was then and is still observed is not sufficient to discharge the Province debts:

I judge the offer of the Representatives to be for her Majesty's service, and the honour of the Province, as well as their justice to discharge the debenters and subsistance of soldjers, and therefore do hereby order [P. 356.] Mr. Secretary Story to issue out warrants for the meeting of the Assembly on Friday, the first of December next, at Portsmouth, to sit on the said Friday and Saturday, and no longer, for the dispatch of that Bill only; and that you do on the said Saturday evening, dismiss the Assembly to the day of the prorogation, which I entered in your books at my last being with you, and not to sit any longer or otherwise;

It being my Duty to be present at all debates of the General Assembly of matters importing the Goverment, which the season will not admit of at this time.

I am, Gentlemen,

Your very humble servant,

J. DUDLEY.

To the honorable Peter Coffin, Major Vaughan, and others, the Gentlemen of her Majesty's Council for the Province of New Hampshire.

Adj^{d} till to-morrow morning ten of the clock.

[P. 357.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Saturday, the second day of December, Anno Domini 1710, by adj^{t}.

Present,

Peter Coffin, Wm Vaughan, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Mark Hunkin, Esq.

The following votes were sent up to this Board, in hæc verba sequen:

In the House of Representatives.

Voted,

That the thanks of this House be given to his Excellency the Governour, for the allowance of this extraordinary session, so necessary for the discharge of the Province Debts.

By order of the House, 2^{d} X^{br}, 1710.

Saml Keais, Clerk.

2^{d} X^{br}, 1710, read in Council and concurred with the House of Representatives.

Cha: Story, Secretary.

In the House of Representatives.

Voted,

That the present Bill now signed and sent up herewith,

containing a grant of two thousand five hundred pounds, to be issued in province Bills, be understood to comprehend the bill of twelve hundred pounds made the last session, dated the 23d October last, to enable the Treasurer; that sum being made double in this grant: and therefore the Act for the 1200lbs dated as aforesaid, is hereby taken away, the said mony of 1200lbs being comprehended in this double grant.

By order of the House.

2d Xbr, 1710.

Saml Keais, Clerk.

2d Xbr, 1710. Concurred with the House of Representatives.

Cha: Story, Secretary.

[P. 358.] In the House of Representatives.

Voted,

That the former Comittee for impressing and signing Bills take care that two thousand five hundred pounds be Impressed, signed and forthwith delivered into the Treasury, to be issued thence; first for the payment of five hundred fifty-five pounds, ten shillings, nine pence, which remains due of the old arrears, allowed by the Governour, Council and Assembly for part of which orders have been granted; for payment of the Governour's salary that is now due; the charge of wages, &c., of her Majesty's fort Wm and Mary; The expedition against Port Royal; The Treasurer's disbursements for subsisting scouts on the frontiers, &c.; and then the remainder for the payment of all other charges that shall be approved of by the standing committee, and allowed by the General assembly.

By order of the House, 2d Xbr, 1710.

Saml Keais, Clerk.

2d Decr, 1710. Read in Council and concurred with the Representatives.

Cha: Story, Secretary.

Voted, that Mr. Secretary forthwith express the Bill for impressing Bills of Credit, signed by the Speaker on the behalf of the Representatives, and Mr. Secretary Story on behalf of her Majesty's Council, to his Excellency the Governour, for his assent thereto. By order of the House of Representatives.

2d Xbr, 1710.

Saml Keais, Clerk.

2d Xbr, 1710. Read in Council and concurred with the House of Representatives.

Cha: Story, Secretary.

[p. 359.] Voted in Council,—

That Robert Elliot, John Plaisted and Mark Hunkin, Esqrs., be a Standing Committee from this Board for one year, to examine all publick accounts for the years 1709 and 1710; and that the House of Representatives be desired to appoint three persons out of their House as a Committee to join with the Committee of this House, and make report to the General Assembly from time to time.

2d Xbr, 1710. Past by the Council.

Cha: Story, Secretary.

Voted, Major Joseph Smith, Geo. Jaffrey and Theodore Attkinson, of the House of Representatives, be on the Committee, by order of the House.

Saml Keais, Clerk.

2d Decembr, 1710.

[P. 360.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by prorogation, on Wednesday, the 9th May, 1711.

Present,

His Excellency Joseph Dudley, Esq., Govern^r, &c.,

Major Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nathl Wear,		Mark Hunkin,	

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, (1) who accordingly came, and his Excellency was pleased to make the following speech, in hæc verba sequen:

Gentlemen:—

It is the usual season of your meeting for the service and benefit of the Province, and I shall be glad to consent to anything for her Majesty's service and your own defense and advantage.

I hope the Comittee of both Houses, left the last sessions for the adjusting your account and debts, are ready with their returns,

(1) [From Journal of the House.*]

On the 9th of May, met.

P'sent,

Mr. Speaker Gerrish,	Theo. Dudley,
S. Keais,	N. Hill,
Geo. Jaffrey,	Eze. Wentworth,
J. Smith,	Step. Jones,
D. Tilton,	Ja. Rendell,
Eph: Marston,	Theo. Atkinson,
Nicholas Gillman.	

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*NOTE BY THE EDITOR.

The first *Journal of the House of Representatives* now in the office of the Secretary of State, commences the 9th of May, 1711. It is contained in a bound MS. volume, arranged by the late JOHN FARMER, Esq., (by order of the Legislature, 1827) and labeled,—

"PROVINCE RECORDS.

"JOURNAL OF THE HOUSE.

"1711–1724."

This "JOURNAL" the Editor does not publish in full, but only such portions as may serve to illustrate the joint proceedings of the Council and Assembly, as contained in this volume.

soe that all future complaints will be taken away by the payment of your Arrears, Debts, Soldjers and Subsistance.

Wee are sensible that the Indians are divided into small parties and give us trouble every where in the frontiers; for prevention of which, I have lately strengthened the Province of Maine with a hundred musqueteers more than their usual Garrisons, which are marching.

I am informed that several of her Majesty's good subjects of this province are willing to march as volunteers, without subsistance or wages from the province; if they might have a reward by the heads granted them by the Assembly, which I recommend to yor consideration; we being all sensible how much more service is to be expected from volunteers at all times, than from men impressed and drawn into the service.

I recommended to yor consideration the building a Town House for the province, and an Alms House, and a Bridewell in this town for [P. 361.] the service of the province, agreeable to what is done in other places; the benefit of which, for the honour of the province, the good goverment of the poor as well as vitious people, will soon countervail the charge.

I have heretofore designed, which I now repeat, y^t there may be a Comittee of both Houses, to Revise the Laws of this province, and make a fair transcript of them fit to be humbly laid before her Majesty for her Royal allowance and confirmation, which you may now doe, soe as to have them ready to be transmitted the next return of our ships for Great Brittaine.

I have brought with me Colonel Rednapp, her Majesty's Engineer, to peruse the works at the fort and to report the necessary repairs, which I shall lay before you.

I have directed Mr. Treasurer to lay before you the state of your acc^ts. He is now entering upon his tenth year, since I have had the honour to command here, and has past his accounts home to her Majesty's Exchequer. I am of opinion the House of Representatives owe him their vote of thanks for his care in the service of the province, soe far ending with his ninth year's acc^ts, and to desire his care for the future in supply of subsistance and clothing of any soldjers to be necessarily raised for the defense of her Majesty's good subjects of this province, as need shall be.

J. DUDLEY.

Adjourned till 3 o'clock, Post Merediem.

[P. 362.] Province of New Hampshire.

At a Council and General Assembly held by adjournment on Wednesday, the 9th of May, 1711, post merediem.

Present,

His Excellency, Joseph Dudley, Esq., Governour, &c.,

Major Wm Vaughan,	Esqs.	Saml Penhallow,	Esqs.
Robert Elliot,		John Plaisted,	
Nathl Wear,		Mark Hunkin,	

The following vote was brought up to this Board by Mr. Ephraim Marston, one of the members of the House of Representatives, viz:

May it please your Excellency:—

We have perused your Excellency's Speech and shall consider the several paragraphs therein and doe our duty in answering them.

By order of the House of Representatives.

9th May, 1711. Saml Keais, clerk.

The Report of the Comittee for auditing the public accounts of this province was brought to this Board and Mr. Secretary was ordered to lay the same before the House of Representatives, which accordingly he did.

Adjourned till to-morrow nine of the clock, ante merediem.

[P. 363.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjt, on Thursday, the 10th day of May, 1711, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Governor, &c.,

Wm Vaughan,	Esqs.	Nathl Wear,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Elliot,		John Plaisted,	

Mark Hunkin, Esq.

Adjd to 3 o'clock, post merediem.

Province of New Hampshire.

At a Council and General Assembly held at Portsm^{e} by adjournm^{t} on Thursday, the 10th day of May, 1711, post meridiem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Major Wm Vaughan,	Esqs.	Nathl Wear,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Elliot,		John Plaisted,	

Mark Hunkin, Esq.

The following vote was sent up to this Board by the House of Representatives, viz:

10th May, 1711.

Ordered, That the parish and precinct in the woods called Kingstown, and the parish and precinct upon the Isles of Shoals called Starr Island, be served with the ordinary warrants to send one person each to represent them in the House of Representatives, and noe more until further order.

Past by the House.

Saml Keais, clerk.

Consented to by the Council.

Cha: Story, Secretary.

The report of the committee for auditing the publick accounts of this Province was sent back to this Board from the House of Representatives, in hæc verba.

[P. 364.] Province of New Hampshire.

At a Committee for auditing the publick acc^{ts} of this Province held at Portsmouth, on Thursday, the 29th of March, Anno Domini 1711.

Present,

Robert Elliot,	Esqs.	Joseph Smith,	Esqs.
John Plaisted,		Theodore Attkinson,	
Mark Hunkin,		Mr. George Jaffray,	

Adj^{d} till Friday, 13th April next.

Province of New Hampshire.

At a Committee appointed for auditing the publick acc^{ts} of this Province, held at Portsmouth, on Friday, the 13th of April, 1711.

Present,

Robert Elliot,	Esqs.	Theodore Attkinson,	Esqs.
John Plaisted,		Joseph Smith,	
Mark Hunking,		Mr. George Jaffrey,	

Objections against sundry articles in the Treasurer's account N^{o} (2):

Imprimis, that Capts. Gerrish, Davis and Gilman give an account of the expense of provisions sent them for the supplying scouts.

2dly, That Capt. Davis give an account of sundryes delivered him for a march, and that the Runlett and Bagg be returned or to allow out of his pay ten shillings and six pence.

Adj^{d} till to-morrow morning, ten of the clock.

[P. 365.] Province of New Hampshire.

At a Committee appointed to audit the publick accounts of this Province held at Portsmouth, by adj^{t}, on Saturday, the 14th of April, 1711.

Present,

Robert Elliot,	Esqs.	Theodore Attkinson,	Esqs.
John Plaisted,		Joseph Smith,	
Mark Hunking,		Mr. Geo. Jaffrey,	

Sundry objections agast Mr. Treasurer's account N° (2):

That Colonel Walton give an account of Expense of sundrys delivered him for an Expedition to the Eastward.

Over charged in freight of powder, two pounds ten shillings.

March 30th, That Capt. Gerrish give an account of expense of sundryes delivered him for a scout.

Mr. Treasurer's account N° (1), N° (2), N° (3), all the articles in the said accounts we allow saving the articles before objected against, which accounts amounts in the whole allowed of, 1363: 14: 8.

Adj^{d} till Thursday, the 19th April, 1711, ten in the forenoon.

Met accordingly, ut supra, ante merediem.

No. 1. Mr. Treasurer's account, am^{o} to 1038: 6: 11, to balance; some objections being made against some articles as Indorsed on the back side of the said acc^{ts}, allow'd 991^{lb}: 2^{s}: 0^{d},	991: 2: 0
2^{d}. Mr. Treasurer's account, am^{o} to 111: 7: 5, for subsisting of soldjers, &c., allow'd the said sum, viz.	111: 7: 5
3^{d}. Mr. Treasurer's acc^{t}, allow'd for several disbursements, &c., for subsisting of soldjers, &c., and abate of Constables, Governor's salary, two hundred sixty-one pounds, five shillings, three pence,	261: 5: 3
	1363: 14: 8

Adj^{d} till 3 o'clock, post merediem.

[P. 366.] Province of New Hampshire.

At a Committee appointed to audit the publick acc^{ts} of this Province, held at Portsm^{o} by adj^{t}, on Thursday the 19th of April, 1711.

Present,

Robert Ellott, John Plaisted, Mark Hunking, } Esqrs. Theodore Attkinson, Joseph Smith, Mr. Geo. Jaffrey, } Esqrs.

Brought over,	1363: 14: 8
4. Theodore Attkinson, Esq., his acc^{t} for his shallopp, taking an inquest and sending Expresses, allow'd,	4: 12: 0
5. Major Joseph Smith, his account for sending expresses, &c., throughout the province, allow'd twelve lbs., six shill.,	12: 6: 0
6. Major Joseph Smith, his account of soldjers sent to the Widow Hilton's Garrison, allow'd, eleven pounds twelve shillings,	11: 12: 0
7. Capt. Gilman's muster roll, for five days' scout, allowed nineteen pounds, seventeen shillings and eight pence,	19: 17 8
8. Capt. John Wingett, his muster roll of the company under his command upon an Expedition to Port Royal, allow'd two hundred forty-nine pounds, five shillings and nine pence,	249: 5: 9
9. Colonel Shadrach Walton, his muster roll of the company under his command upon an Expedition to Port Royal, allow'd two hundred and ten pounds, fifteen shillings and eight pence,	210: 15: 8
10. Francis Mathews, his muster roll for scouting 9 days, from the 30th of March to the 8th of April last, allow'd thirteen pounds, fifteen shillings and nine pence,	13: 15: 9
11. Major Joseph Smith's muster roll, for two days' scouting, having been seen by the committee, his acc^{ts}, am^{o} to 22^{lbs}: 19^{s}: 0^{d}, referred to the Assembly, allowed,	22: 19: 0
12. Col. Packer's Debenter, for expenses by the Council, Committee, &c., allow'd twenty-eight pounds, thirteen shillings and six pence,	28: 13: 6

13. Capt. Wincal's muster roll, for himself and sailors, upon an Expedition to Port Royal in the Brigantine New Castle, allow'd forty-five pounds, eight shillings and four pence, 45: 8: 4
14. Capt. Peter Coffin's muster roll, ditto, in the sloop Peter, allow'd twenty-nine pounds, seven shillings and five pence, 29: 7: 5
15. [P. 367.] Theophilus Smith, for scouting 2 days in 1710, allow'd one pound, sixteen shillings and six pence, 1: 16: 6
16. Daniel Lampree, his debenter, for money paid Rog^r Swaine for entertaining his son, being sick in the service, 0: 15: 0

Adj^d till Monday next, being 23^d curr^t, ten in the forenoon.

Met accordingly, present as before.

17. Capt. George Vaughan's debenters, being well viewed, allow'd in full of the said acc^ts, And for his Agency to this day, one hundred and eighty-two pounds, thirteen shillings, out of which sum he is to pay Mr. Richd Partridge and the solicitor and others, according to the articles of his said several acc^ts, 182: 13: 0
18. Capt. James Davis, his muster roll for the year 1710, for forty men in her Majesty's service by his Excellency's Order, and for 110 men scouting, &c., allow'd forty-eight pounds, three shillings and six pence, 48: 3: 6
19. Capt. Walton's debenter, about the fort, for service for himself and soldjers from the 25th March, 1709, to the 25th March, 1710, allow'd one hundred and fifty-seven pounds, ten shill., 157: 10: 0
20. Capt. Walton's debenter, about the fort, for service for himself and soldjers from the 25th March 1710, to the 25th March 1711, allow'd one hundred and thirty-six pounds, ten shillings, 136: 10: 0
21. Colonel Walton's muster Roll, relating to an Expedition Eastward, allow'd fifty pounds, eighteen shillings, 50: 18: 0
22. Nicholas Gilman's Muster Roll, allow'd, 10: 0: 0
23. Capt. Thomas Phipps, his muster Roll, about Kingstown soldjers, allow'd twenty shillings, 1: 0: 0

24. Samuel Penhallow, Esq., his debenter, relating to money paid Capt. Wincal and two sailors, and the Committee for auditing accounts, &c., forty-one pounds, five shillings,	41:	5:	0
25. Capt. Phipps' Muster Roll, about Hilton's Garrison, allow'd seven pounds, eight shillings and six pence,	7:	8:	6
26. [P.368.] Colonel Packer's debenter, Am° to 46: 13: 9, for house rent and expenses by the Committee at his house, allow'd only forty pounds, thirteen shillings and nine pence,	40:	13:	9
27. Mrs. Elizabeth Harvey, her debenter, relating to entertaining the Governour and Committee, allow'd twelve pounds, 3s, 6, [?]	14:	0:	0
28. Thomas Phipps, Esq., High Sheriff, his debenter, relating to his attending upon his Excellency and Council, and sending expresses, mending the prison, &c., allowd him eleven pounds,	11:	0:	0
29. Alexander Miller, his debenter, in riding expresses in 1710, allow'd six pounds, ten shillings and two pence,	8:	10:	2
30. Benjamin Akerman, for one year's service in attending the General Assembly, allow'd five pounds,	5:	0:	0
31. William Partridge, his debenter, relating to his being 14 days in a sloop Eastward, for her Majesty's service, and for dieting soldjers allowd him twenty shillings in full of all demands of the Province to this day,	1:	0:	0
32. Mr. Secretary Story's debenter allowd him for his service, salary, &c.,	40:	0:	0
33. Richard Jackman, for ferridge of soldjers at Newtown ferry, allowed fourteen shillings and two pence,	—	14:	2
34. Edward Serjeant for ferridge of soldjers at Newbury ferry, seventeen shillings and three pence,	—	17:	3
35. Mr. John Knight's acct for ferridge allowd,	—	14:	6
36. Capt. Tuttle's debenter for 24 pairs of snow shoes and mogasheens at 2s a pair for mogasheens and 8s a pair for snow shoes,	12:	0:	0
37. Theodore Attkinson, Esq., his Muster Roll relating to the fort in 1710, allowd seventy-five pounds, fourteen shillings,	75:	14:	0

38. Jacob Lavers his debenter relating to hides, leather and kipes and mogasheens, &c., 2: 2: 6

39. Major Wm Vaughan his acc^t^ of which he says there remains due to him 287^lbs^: Answered, That, whereas at the last Committee for auditing the publick accounts of this province, the 12th May, 1710, they did then allow to Major Wm Vaughan, two hundred pounds, which he owns received, and two hundred pounds more with interest thereof rec^d^ by Colonel Wm Partridge formerly Lieut. Governor, on acc^t^ of the agency of this province; And the said Major Vaughan [P. 369.] appearing to be the only Agent then employed by the province, and denying that he ever received any money from the said Partridge upon the account of such agency;—Allowed therefor that the said Major Vaughan be paid out of the treasury, two hundred pounds, 200: 0: 0
which with the two hundred pounds above mentioned, paid him as in full of all accounts due to him from this province to this day,—be it for agency or otherwise. But in case the said two hundred pounds be by the province recovered of the said Wm Partridge with interest, the principal to be ordered into the Treasury, and the interest to be paid to the said Major William Vaughan; provided nevertheless, the said Major Vaughan shall not receive the said two hundred pounds out of the Treasury, until Colonel Partridge satisfy the Genl Assembly of this Province that the said two hundred pounds was not received by him on account of the said Major Vaughan.

40. Theodore Attkinson, Esq. his debenter for disbursements about the Brigatine Newcastle, in the late Expedition to Port Royal, allow^d^ eight pounds sixteen shillings, 8: 16:

41. Capt. Hill for snow shoes and mog asheens, 2: 12: 0

42. Nathl Stevens and Folsham allow^d^ as per their account, 3: 15: 0

Province of New Hampshire. May 9th, 1711.

We whose names are hereunto subscribed having perused all the accounts before mentioned, and well considered the same, doe find justly due to each person the several sums set opposite to their names and number of each man's debenter.

Cha: Story, Clerk, of the Committee.

Robert Elliot,
John Plaisted,
Mark Hunking,
Joseph Smith,
Theo. Attkinson,
Geo: Jaffrey.

[P. 370.] This account returned by the Committee annexed to each person's name, amounting to three thousand seventy-five pounds, seventeen shillings and five pence, is allowed by the House of Representatives, according to the return, by order of the House.

Sam[l] Keais, Clerk.

10th May, 1711.

This return of the Committee with the allowance of the General Assembly, being read at this Board, was consented to by the Council, who desires the Governour to issue out warrants to the Treasurer for the payment of each person the several sums allowed them out of the Treasury accordingly.

Cha: Story, Secretary.

Adj[d] till to-morrow morning 10 of the clock.

[P. 371.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournment, on Friday, the eleventh day of May, 1711, Ante Merediem.

Present,

His Excellency Joseph Dudley, Esq. Governour, &c.,

Major Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nathl Wear,		Mark Hunkin,	

Mr. Wear asked leave of his Excellency to goe home, being much indisposed, which was accordingly granted him.

Adj^{d} till to-morrow morning, 10 of the clock.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournm^{t}, on Saturday, the 12th of May, 1711, Ante Merediem.

Present,

His Excellency the Governour, &c.,

Major Wm Vaughan,	Esqs.	John Plaisted,	Esqs.
Saml Penhallow,		Mark Hunkin,	

Ordered, That Colonel Rednapp, Capt. Hunkin and Theodore Attkinson, Esqs., review the fort W^{m} and Mary, and make their return of their necessary reparations.

The following vote was sent up by the House of Representatives to this Board, viz:

Province New Hampshire.

The Bills of Credit for this Province having such a general currency: Voted, That the five per cent. for paying it into the Treasury be taken off.

By order of the House.

Saml Keais, Clerk.

12th May, 1711.

The Council having seen the vote of the Assembly of the 15th of May, 1710, importing that there be an Act brought in for the allowance of five per cent. upon the payment of province bills into the Treasury, which the Assembly have not proceeded in,

Ordered, agreeable to the within vote of the House of Representatives, That the Treasurer and Receiver of the future taxes receive the bills in full tale, without any allowance or advance.

Past by the Council.

Cha: Story, Secretary.

[P. 372.] *May it please your Excellency:—*

Voted, That one thousand pounds collected last year into the Treasury be repeated, and that hence forward all the Bills of credit of this province pass in publick payments without the five per cent. advance.

Past by the House.

Sam[l] Keais, clerk.

12th May, 1711.

Read in Council and consented to.

Cha: Story, Secretary.

Mr. Treasurer's account about powder was exhibited at this Board, accepted and approved of, beginning 9th X[br], 1709, and ending 19th Febr[y], 1710.

May it please your Excellency:—

We, having perused the state of the province since the repeating the thousand pounds collected last year, find mony sufficient in the Treasury for payment of all such debts as was allowed by the Committee's return this session and approved by the General Assembly,

Pray, that your Excellency would grant orders for the

payment of such debts according to the aforesaid return of the Committee.

12th May, 1711.

By order of the House of Representatives.

Saml Keais, clerk.

Consented to by the Council.

Cha: Story, Secretary.

Ordered, agreeable to the votes of both Houses of the Assembly, that Mr. Treasurer Penhallow take and receive the one thousand pounds now upon the Council Table, and that Mr. Secretary be present to see credit entered for the Province in his books for the same, and that thereafter he dispose and pay the same for the province debts by warrants from the Governour and Council, as usual.

Adjd till to-morrow morning, 10 of the clock.

[P. 373.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Monday, the 14th May, 1711, ante meredíem.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Wm Vaughan,	Esqs.	Saml Penhallow,	Esqs.
Robert Elliot,		John Plaisted,	
Peter Coffin,		Mark Hunkin,	

The return of the Committee relating to repairing her majesty's Fort Wm and Mary was brought to this Board as upon file and sent down to the House of Representatives.

The following vote was sent up by the House of Representatives, in hæc verba sequen:

Voted, That the Fort Wm and Mary be forthwith repaired, according to the returne of the Committee, and that the Surveyor thereof do not expend more than two hundred pounds thereon, including all manner of charges, as subsistance, materials and labour, to wit: Three shillings

per diem for every tradesman; two shillings per diem for every labourer, and that the Treasurer be desired to supply with subsistance therefor.

May 14th, 1711.

Past the House of Representatives.

Saml Keais, clerk.

Read at the Council Board and consented to and ordered that the subsistance mony be supplied by the Treasurer, not exceeding eight pence per diem.

Charles Story, Secretary.

Ordered, That the necessary tools for all labourers, &c., in repairing her Majesty's Fort Wm and Mary at New Castle, according to the vote of the Assembly, That Mr. Treasurer be desired to survey what tools may be wanting and that he provide the same and what plank, boards, &c., may not be had without being impressed, That the Treasurer issue forth his warrants for impressing the same, and that they be paid for out of her Majesty's Revenue, from time to time, in this province.

Adjd till to-morrow morning, 10 of the clock.

[P. 374.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Tuesday, the 14th of May, 1711, ante merediem.

Present,

His Excellency Joseph Dudley, Esq.r, Governr, &c.,

Wm Vaughan, Robert Elliot, Saml Penhallow, } Esqrs. John Plaisted, Mark Hunkin, } Esqrs.

Mr. Penhallow's account of disbursements, amo to 16lbs 2s, 4d, allowd and ordered to be paid in course out of the Treasury.

Ordered, that Mr. Penhallow be paid out of the Treasury twenty pounds sterling, sent Mr. Newman for the laying

before the Lords of the plantation the affairs of the Council relating to the compleating the full number of the Council here.

Alexander Miller, his accounts am° to 3lbs: 2s: 6d, allowed and ordered to be paid in course out of the Treasury.

The following vote was sent up to this Board from the House of Representatives, viz.:—

Voted, that a Committee be appointed to revise the laws of this Province, and for drawing up such others as may be thought proper to present to his Excellency at the next sitting of the General Assembly.

15th May, 1711.

By order of the House of Representatives.

Saml Keais, Clerk.

Committee of the Representatives,

Major Joseph Smith,
Theodore Attkinson, } Esqrs.
Mr. George Jaffrey,

Committee of the Council,

Major Wm Vaughan,
Saml Penhallow,
John Plaisted.

An Act for repeating one thousand pounds of Bill of Credit, &c;

An Act for prevention of frauds and forgeries upon the Bills of Credit in use in this and the neighboring provinces;

[P. 375.] An Act for the encouragement of volunteers for the destruction of the Indian Rebells and enemie; (1)

Having been three times read, was past to be enacted and assented to by his Excellency the Governour.

Prorogued till Wednesday, the 12th day of September next, 10 o'clock, ante meredicm.

(1) [From the Journal of the House, p. 6.]

May 12th, 1711. Voted, That for Indian man slayn in the Province sixty pounds, for every woman thirty pounds, and for every minor or Papoose, fifteen pounds be payd out of the Treasury.

[P. 376.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Thursday, the 14th of June, 1711.

Present,

The Honble John Usher, Esq., Lieut. Governour,

Peter Coffin, Wm Vaughan, Saml Penhallow, Robert Elliott, } Esqrs.

John Plaisted, Nathl Wear, Mark Hunkin, } Esqrs.

Mr. Secretary Story was sent as a message to call the House of Representatives to this Board, who accordingly came; and his Honour the Lieut. Governour was pleased to make the following speech:

Gentlemen:—

Her most gratious Majesty having sent his Excellency General Francis Nicholson, Esq., with forces for reducing of Canada and Newfoundland; It is expected that the government in these parts give their ready assistance by raising of soldjers to join in conjunction with the Queen's forces,—to whom God grant success and victory, the happy fruits of which will tend to the safety, wealth and prosperity of these her Majesty's dominions and plantations, and more peculiar to this her Majesty's Goverment, that for many years have been insulted, waisted and consumed by a cruel, barbarous and perfidious Enemy.

By his Excellency the Governour's precept, you are here called together for raising your quota of men, providing transports, provisions, &c., for carrying on the above Expedition.

Her Majesty's service requiring his Excellency the Governour's presence at the Congress, remote from his Goverment, to consult in this great design: I am therefore come to expedite matters of so great an importance.

Gentlemen,— You addressed her most gratious Majesty in October last, that she would be gratiously pleased to send ships of war and forces for the reducing Quebec, &c.; Upon which address from yourselves, and others from our neighboring Goverments, General Nicholson [P. 377.] is now sent as before mentioned, whose conduct, courage and prudence, is well known to us all, in the reducing of Port Royal (now Annapolis Royal) last year, which if please God to give him success in the reducing of Can-

ada, it will be of great advantage to us and our posterities hereafter.

I do not in the least doubt of your ready compliance with the Queen's expectations from you, and your proceedings to be such as will demonstrate you her Majesty's most dutiful and loyal subjects, in your dispatches.

Her Majesty is at great expense and charge in this affair, and hath sent clothing, &c., for our soldjers and many presents of value to our friend Indians and Mawhawks, &c.

His Excellency the Governour's expectation and pleasure is, that all other business be laid aside, and only with all chearfulness to forward soe good a designe for the reducing the common enemy, pursuant to her Majesty's expectation, and that care be taken, for mony to be raised at the next sitting of this General Assembly, for payment of soldjers, transports, sailors, &c., and for all present expenses and charges upon the said Expedition.

I shall contribute what I can for her Majesty's service and good of her Majesty's province, and hope you will speedily determine what is recommended to you.

JOHN USHER.

The following letter from his Excellency the Governour was read at this Board, the Representatives being present:

Boston, 9th June, 1711.

Gentlemen:—

I herewith send you a copy of her Majesty's Instructions to myself, referring to the Expedition to Canada, which I desire you to keep secret yet.

You have alsoe enclosed an Embargoe in obedience to her Majesty's said Instructions, which you must presently publish and acquaint the fort and officers of the customs with, and see it observed.

And I doe further direct you to call the Assembly, the prorogation notwithstanding, to sit on Thursday next, and acquaint them with the said Instructions and let them be read [P. 378.] in their House; and let them know that the vast force that is coming, and the whole expedition, is in answer to their repeated Addresses, and is the last effort of those Goverments, and by the favor of God will end in our security and establishment, and therefore that I desire and expect their unanimous vote.

That there be a number of men not exceeding one hundred, with officers, raised for the service of the Expedition.

That the Treasurer provide three months' victuals, transports, and other necessaries for the said men.

That the Assembly will at their next session take care for the payment of the wages and subsistance and other charges of the said force.

These votes will be cheerfully agreed by the Representatives, I doubt not; Thank them then and dismiss them to the prorogation, and express the votes to me.

The whole fleet consists of ten frigates and eight battallion of foot, cannon, stores, arms and clothes for all the soldjers, which will save in a great part of our charge.

Major Plaisted brings this and will acquaint you anything necessary. Let us be private in the affair as long as we can, lest it get to Quebec or Placentia.

With my service to the Speaker and Gentlemen of the Assembly ·

I am, Gentlemen,

Your very humble servant,

J. DUDLEY.

To the Gentlemen of the Council of New Hampshire.

Pursuant to the above letter the following Instructions was read at this Board and sent down to the House of Representatives, as alsoe a copy of her Majesty's bounty relating to the said Expedition :

ANNE R.

[P. 379.] [SEAL.] INSTRUCTIONS for our trusty and well beloved Joseph Dudley, Esq., our Captain General and Commander in Chiefe of our provinces of the Massachusetts Bay and New Hampshire, in America, given at our Court at Saint James, the sixth day of February, 1710, in the ninth year of our Reign.

Herewith wee send you a duplicate of our Instructions to our Governour of New York, relating to a resolution we have taken for the reduction of Canada and New Foundland, by which you will perceive our intentions, and to which we refer you in all things as fully as if the same were again particularly repeated in these our Instructions; And our will and pleasure is, that you doe in all respects conform your selfe thereunto, and give your aid and assistance to all the several matters and things herein contained, as if the same were in these presents repeated and particularly ordered and directed. Our will and pleasure further is, that you doe observe and perform the several matters and things here in after contained on your part to be performed and observed:

1. Wee hereby direct that at least one thousand able bodied men be raised by you in New England, and that the said men be well disciplined and exercised, and if you shall want any experienced Officers for that purpose, our Governour of New York will spare you some of the Sergeants we have ordered thither by these ships; and if there be any want of Arms and ammunition you will receive the same by the squadron we intend to send to New England, which may arrive there about the latter end of April next.

2. That you provide transports, provisions and other necessaries for the said thousand forces, to be ready at the arrival of the squadron at Piscataqua, and also several flat bottomed boats for the landing our forces at Quebec, or other place where there may be occasion to land; the said flat bottomed boats to hold sixty men each; Wee also direct that several vessels of fifty or sixty tunns each be provided good sailors, to be sent up the said river Canada with Land forces, as occasion may offer.

3.*

[P. 387.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adj^{t}, on Friday the 15th of June, 1711.

Present,

The Honourable John Usher, Esq., Lieut. Govern^{r},

Peter Coffin,	Esqrs.	Saml Penhallow,	Esqrs.
Wm Vaughan,		John Plaisted,	
Nathl Wear,		Mark Hunkin,	

The following vote was sent up from the House of Representatives and read at this Board:

May it please your Honour,—

Mr. Secretary Story showed us his Excellency's letter of the 11th instant, relating to one member of this house attending him to Connecticutt, to the Congress there; and the day appointed to be at his house, being past already, and considering therein, its said if he was proceeded, they were to follow; Wee think it very unlikely, if not impossible, for any person to be of service.

*[The Instructions, evidently incomplete, abruptly end.—Ed.]

Wee have his Excellency's letter and your Honour's Speech under consideration, and shall endeavor the Queen's and Province's service therein with all expedition.

June 15th, voted by the House of Representatives.

Sam[l] Keais, Clerk.

15th June, 1711.

Read in Council, who consented to this vote, and the Secretary is ordered to write to his Excellency about the same, and send him a copy of this vote.

Cha. Story, Secretary.

The foll. letter was sent to his Excellency:

May it please your Excellency,—

In obedience to your Excell[y] letter respecting two gentlemen to attend your Excellency at the Congress, your Excellency's letter was laid before the General Assembly, who would readily comply therewith, but the late notice rendering it impossible for any to be there timely enough, doe humbly beg your Excellency's excuse therein, and shall be ready on all occasions to forward the expedition and observe such further orders and directions from your Excellency, from time to time, in all things relating thereto. we are your Excellency's most humble servants.

Per order of the Council,

Cha: Story, Secretary.

Adj[d] till 2 o'clock, Post Merediem.

[P. 388.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, on Friday the 15th of June, Post Merediem.

Present,

The Hon. John Usher, Esq., Lieut. Governour,

Peter Coffin,	Esqrs.	Samuel Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nath[l] Wear,		Mark Hunkin,	

Adj[d] till to-morrow morning 10 of the clock.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adj^{t} on Saturday, the 16th day of June, 1711, Ante Merediem.

Present,

The Hon. John Usher, Esq., Lieut. Governour,

Wm Vaughan, Nathl Wear, } Esqrs. Samuel Penhallow, John Plaisted, } Esqrs.

Mark Hunkin.

The foll. vote was sent up to this Board, in hæc verba sequen:

May it please your Honour,—

Wee, having considered his Excellency's letter and your Honor's speech, in which we find that the direction is to raise men not exceeding 100; and in one part of her Majestie's instructions to his Excellency, we observe the quota demanded from New England is 1000 men:

Wee humbly conceive that our proportion thereof is not more than eighty men; but being sensible of the great advantage the success of this Expedition may be,

Voted that there be raised ninety men, including officers and sailors, for the service of the present Expedition for reducing Canada, &c.; And that the Treasurer provide a suitable transport ship not exceeding one hundred and thirty tunns, and three months provisions, and all other necessaryes for the said Expedition; improving the stores left in his custody of the last year's Expedition; for payment whereof we promise to make provision at the next sitting of this House.

By order of the House of Representatives,

Saml Keais, Clerk.

Adj^{d} till 4 o'clock, Post Merediem.

16th June, 1711.

[P. 389.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adjournment, on Saturday, the 16th of June, Post Merediem, 1711.

Present,

The Honorable John Usher, Esq., Lieut. Govern^r,

Wm Vaughan,	John Plaisted,
Saml Penhallow,	Mark Hunkin.

His Honour made the foll. speech (the Representatives being present) in hæc verba sequens:

Gentlemen, —

As to the Governor's letter not exceeding 100 men with officers, and part of Governor's Instructions,—You observe the quota of New England is 1000 men; you think your quota is eighty men; that there may be a ship for transport of 80 men, including officers and sailors.

His Excellency's letter, dated the 9th June, 1711, That there be a number of men not exceeding 100 for this Expedition.

Must acquainte you, though his Excellency doth say not exceeding 100 men with officers, yet he doth not say less; As for the Queen's instruction the quota to raise 1000 men, these two years been settled, viz: 900 Massachusetts; 100 this Province; 200 Road Island; 300 Connecticutt.

Now to say 80 men with sailors is but 68 men, when always you raised 100 men besides sailors.

Must doe his Excellency justice that he expect 100 with sailors, as formerly.

The Queen having demanded your quota, she doth expect the whole complied with, of which I cannot abate: for two years, Queen knows your establishment to be 100 men; if same be more as to quota than other goverments, your goverment might by last conveyance have sent to the Queen for relief: if upon arrival, find Her Majesty is pleased to lessen the number of your quota, it shall be readily complied with; if not, shall and must expect your compliance with the number and shall write to know his Excellency's pleasure.

As to three months provision I acknowledge pursuant to his Excel^s letter; but give leave to acquaint you that not less than five months provision must be had: For when Governour Phipps went

to Canada, was two months before he did get to Quebeck; for want of due provisions, many of his then Majesty's subjects' lives lost. I am sensible and doe believe that you Gentlemen will not be wanting in making due supplys for preservation of her Majesty's subjects and your friends' lives,—the which I leave to your consideration, and shall order your vote to be returned and more duly considered.

Adj. till Monday morning, 10 of the clock, Ante Merediem.

[P. 390.] Prov. of New Hampsh^{re}.

Att a Council and General Assembly held at Portsm^{o} on Monday, the 18th of June, 1711, ante merediem.

Present,

The Honourable John Usher, Esq., Lieut. Govern^{r},

Wm Vaughan, Saml Penhallow, } Esqs. John Plaisted, Mark Hunkin, } Esqs.

Adj^{d} till 4 o'clock, post merediem.

[Met according to adj. Present the same.]

The following vote was sent down to the House of Representatives, in hæc verba sequen:

Voted, That there be an encouragement given to all volunteers upon the p'sent Expedition to Canada, to the same value and in the same manner as the Massachusetts Goverment hath done; and that each imprest man have one shilling given him at the time of his being so imprest, to be deducted out of his wages at pay Table.

Consented by the Council.

Cha: Story, Secretary.

Adj^{d} till 10 to-morrow, ante merediem.

[P. 391.] Prov. of New Hamp^{re}.

Att a Council and General Assembly held at Portsmo. by adj^{t} on Tuesday, the 19th of June, 1711, ante merediem.

Present,

The Honble John Usher, Esq., Lieut. Governour,

Wm Vaughan, Peter Coffin, } Esqs. Robert Elliot, John Plaisted, } Esqs.

Mark Hunkin, Esq.

John Plaisted, Esq., was sent as a message from this Board to the House of Representatives to know if they had any thing to recommend to this House (who answered they had got none at present).

Adj^{d} till two o'clock, post merediem.

[Met according to adjournment.]

Present,

The Hon'^{ble} John Usher, Esq., Lieut Govern^{r},

Wm Vaughan, Robert Elliot, } Esqs. Samuel Penhallow, John Plaisted, } Esqs.

Mark Hunkin, Esq.

Mr. Secretary Story was sent as a message to the House of Representatives to call them upp to this Board, who accordingly came, and his Honour the Lieut. Governour made the following speech, in hæc verba sequen:

Gentlemen,—

Yesterday Mr. Penhallow was pleased to communicate his Excellency's letter for Raising 100 soldiers; you were to signifie I had sent an Express to know his Excellency's pleasure as to Quota of men, and desired may consider of it till two this after noon; you were then acquainted noe answer it may be will be sent; it is now about six o'clock; noe returne of the messenger. The Queen's concernment requiring expedition, part of fleet being arrived:

[P. 392.] I recommend to yor Raising yor quota of men. His Excel in his letter say not exceeding 100 men with officers; however, you may apprehend 90 men, (for which you pass^{d}

a vote) to be more than your quota of 1000 men, to be raised in New England, by his Excellency, in his Goverments.

An Address you having sent to her most gratious Majestie, with other Goverments, for carrying on this present expedition; To manifest your loyaltie to her Maj^{tie}, respect to His Excellency, desire you should forthwith pass a vote for raising 100 men, &c., as his Excellency hath signified to you; shall esteem the same as an act of loyaltie to her Majestie, regard to his Excellency's expectation from you, pray same may speedily be dispatched.

The following vote (No. 4) was brought to this Board in hæc verba sequen:

Voted, Noe Encouragement be given but what is of the Queen's bounty, by reason noe proclamation hath been issued, and most of the men already imprest.

19th June, 1711. By order of the House of Representatives. Saml Keais, Clerk.

Adj^{d} till to-morrow, 10 of the clock, ante merediem.

[P. 393.] Prov. of New Hamp^{re}.

Att a Councill and General Assembly held at Portsm^{o} by adj^{t} on Wednesday, the 20th June, 1711, ante merediem.

Present,

The Hon'^{ble} John Usher, Esq., Lieut. Govern^{r},

Major Wm Vaughan, } Esqs. Robert Ellott, } Esqs. John Plaisted, } Esqs. Mark Hunkin, } Esqs.

The two following votes was sent to this Board from the House of Representatives, in hæc verba sequen:

May it please your Hon'r,—

Wee have waited long in expectation of receiving an answer from his Excellency to our vote of the 16th instant, for raising and subsisting 90 men, including officers and sailors, in hopes that his Excellency would Accept of the said vote; but seeing the Express is returned and noe answer to our said vote, and considering the quota ex-

pected, viz., one hundred men, including officers, &c., with three months provisions, &c., as per our said vote exprest, may advance the service of the Expedition,

Voted, That there be added tenn men with subsistance, &c., to the 90 voted for, ut supra.

20th June, 1711. Pr. order of the House of Representatives. Saml Keais, clerk.

20th June, 1711. Read in Council, and unanimously consented. Cha: Story, Secretary.

Voted, That the Honourable the Lieut. Governr be paid out of the Treasury tenn pounds for his expences in travelling the two last times into this Province.

June 20th, 1711. Past by the House.

Saml Keais, clerk.

June 20th, 1711. Read in Council and consented to.

Cha: Story, Secretary.

Prorogued.

[P. 394.] Prov. of Newhampshire.

Att a Councill and General Assembly held at Portsmo, on Fryday, the 6th July, 1711.

Present,

Major Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Ellott,		John Plaisted,	
Richard Waldron,		Mark Hunkin,	

His Excell's two Letters, dated the 2d currt was read at this Board, in hæc verba sequen:

Sirs,—Your subsistance for your 100 men must be for 126 days, besides their subsistance on Shoar, before their departure, equal to the Massachusetts, and the agreement of the Congress of the Governours.

Yor servt, J. Dudley.

Boston, July 2, 1711.

To Mr. Secretary Story, *to be communicated.*

Let the Assembly sitt one day upon this Article of Victuals, and

I desire that wages of men and hire of ships be as in Massachusetts.

(2d Letter.)

Sirs,—Mr. Penhallow brings two warrants under her Majestie's Royal signature, for the swearing of Richard Waldron and Mark Hunkins to be members of her Majestie's Council of New Hampshire; Imediately upon receipt of the said warrants, sumons the Council and lett the warrants be read, the Gentlemen sworn, and a record made of the warrants and proceedings thereupon, that their service be not wanting at Council in the pressing occasions before us.

Boston, 2d July, 1711. J. DUDLEY.

To Mr. Secretary Story, to be communicated.

Richard Waldron and Mark Hunkin, Esq., Pursuant to her Majestie's warrts abovesaid, under the royal signature, were sworn members of her Majestie's Council of this Province, at this Board. And then his Excells said Letters were sent down to the House of Representatives by Mr. Secretary Story.

The two following are her Majestie's warrants under Her Royal signature, mentioned in his Excels letter abovesaid, viz.:

[P. 395.] ANNE R.

Trusty and well beloved, wee Great you well. Whereas by our Order in Councill, bearing date the twentyeth day of December, in the year one thousand Seven Hundred and five, Upon a Representation of our Commissioners for Trade and plantations, Humbly offering that wee would Constitute our Trusty and well Beloved Richard Waldron, Esq., one of our Councill of that our province of New Hampshire, in the Room of John Hinks, Esq., who had left that Countrey without leave;—Wee were gratiously pleased to approve thereof and to order, that the said Richard Waldron { ROYAL SIGNATURE. } should be appointed one of our said Councill, as being a person by his Loyaltie, Integrity and Ability, fitly Qualified to serve us in that Capacity. Our will and pleasure is, that forthwith upon receipt hereof, you doe accordingly Swear and Admit him the said Richard Waldron, to be one of our Council of that our province of New Hampshire; And for soe doing, this shall be your warrant. And soe wee Bidd you fare-

well. Given at our Court at Saint James, the second day of March, 1710. In the ninth year of our Reigne.

By Her Majestie's Command.

DARTMOUTHE.

To our Trusty and well beloved Joseph Dudley, Esq., our Captaine General and Governour in Chiefe of our province of New Hampshire, In America, and in his absence, to the Commander in Chiefe, or to the president of our Council of our said province for the time being.

ANNE R.

[P. 396.] Trusty and well beloved, wee Great you well.—Whereas, by our Order in Councill bearing date the one & thirtieth day of March, in the year one thousand seven hundred and nine, wee were Gratiously pleased upon a Representation from our Commissioners of Trade and Plantations, setting forth that there were two vacancys in the Councill of the province of New Hampshire, by the Death of George Jaffrey and Henry Dow, late members of the said Councill, to Order that our Trusty and well beloved Mark Hunkins, Esquire, should be Constituted and appointed a member of our Council of our said province of New Hampshire, to supply one of the said vacancies, as being a person by his Loyaltie, Integrity and Ability, fitly qualified to serve us in that capacity. Our will and pleasure is, that forthwith upon receipt hereof, you doe accordingly Swear and Admitt him, the said Mark Hunkins, to be one of our Council of that our province of New Hampshire. And for soe doing, this shall be your warrant. And soe wee bidd you farewell.

{ ROYAL SIGNATURE. }

Given at our Court at Saint James, the second day of March, 1710, In the ninth year of our Reigne.

By her Majestie's Command.

DARTMOUTHE.

To our Trusty and well Beloved Joseph Dudley, Esq., our Capt. General and Governour in Chiefe of our province of New Hamp shire, in America, And in His Absence to the Commander in Chiefe or to the president of our Councill of our said province for the time being.

[P. 397.] The following votes was sent upp to this Board by the House of Representatives, in hæc verba sequen:

Whereas there was a vote of this House of the 16th and 20th of June ultimo, for providing provisions, &c., for the subsisting one hundred men, three months, but fearing that not sufficient,—

Voted, that in lieu of the three months' provisions, there be provided one hundred and twenty six days' provisions for one hundred men, and that the transport vessells be allowed eight shillings P. Tunn, P. month.

July 6th, 1711. Past by the House of Representatives.

Saml Keais, Clerk.

Read in Council & unanimously Consented to.

Cha: Story, Secretary.

Considering there was large Encouragement offered by this House to volunteers that would Inlist for the service of the Expedition to Canada, and none appearing thereon, and that those Impressed for the said service have had Large Encouragement from their Capts and neighbors, which with the Queen's Bounty and stated pay, wee think sufficient,

Voted, that there be nothing added to the pay of Officers or Soldjers.

July 6th, 1711. Past by the House.

Saml Keais, Clerk.

6th July, 1711. Read in Councill, and left to be considered.

Cha. Story, Secretary.

Ordered, that Mr. Secretary Issue out a warrt of Apprizement to Robert Ellott and Mark Hunkin, Esq., Authorizing them to Apprize the two Transports with their Tackle, Apparrell, &c., upon Oath; And make returne of the same into the Secretary's Office in three days.

[P. 398.] Province of New Hamp.

Att a Councill and General Assembly held at Portsm°, the 23d July, 1711.

Present,

Wm Vaughan, Robert Ellott, } Esqrs. Richard Waldron, John Plaisted, } Esqrs.

Mark Hunkin, Esq.

Sir,— By advice I have Resolved to cover the Addresses of both provinces to her Majestie; In Answer to your votes, and because the fleet is ready to saile, and one of the frigatts detached Home will saile in a few days, to save the time I have sent this Express and Covered a copy of the Massachusetts Address, with very little alterations, which you will presently communicate to the Assembly, which I direct you immediately to advise the Councill to call, that it may be presently Communicated, and, if they please, Agreed and signed by the Speaker* of the Representatives and your selfe in the name of the Councill, and let there be three of them at least sent to me for several Shipps.

If you have but the Major part of the Commons it will be well, and because you are already warranted by the first vote of the last session to address Her Majestie with Thanks.

And then draw me out a copy of the votes of the Assembly in due Order, Your vote of thanks upon reading the Governour's letter, your agreement of men, transports, Victuals, &c., leaving out any superfluous vote, as Where the Commons agreed to but 80 men; sett down only the last vote in those cases, And lett the votes be all single and fair upon halfe sheets of paper. This letter is open that Major Smith may read it, and bring his Deputies with him from Hampton to Expedite the matter, and he will send to Exeter to gett the Deputyes of that place to come presently to portsmouth. all Depends upon yourExpedition. Cover your papers to Colonel Noyce with a letter to Express ym Immediately, unless you cann ride it your selfe.

Your Servt,

J. Dudley.

Mr. Treasurer wants a Sailor named Peter Man for an Officer on Board of the Transports; send him Immediately by Land; he wants two more, if possible to be had.

*[Probably this letter was addressed to Charles Story, Sec.]

[P. 397.] *To the Queen's most Excellent Majestie.*

The Humble Address of the Governour, Council And Assembly of your Majestie's Province of New Hampshire, in New England, Convend in General Assembly the twenty-second day of July, 1711:

May it please your most Excellent Majtie, —

Wee Crave leave humbly to prostrate our selves at yor Majestie's Royal feet, with all Humble and Dutifull acknowledgments of Highest Gratitude for the Expressions of your Majestie's most Compassionate tender Regard to the prosperity of your good Subjects in these yor Majestie's Northern plantations of America, Throughout the course of your Majestie's Glorious Reign; particularly for the signal instance of your Majestie's Royal favour in the Gratious Acceptance of our late Humble Addresses for obtaining an Expedition to be made for the Reduction of Canada, and freeing us from those Grevious oppressions which wee have long laboured under by the French of that Country, and the Salvages in their interests in so near neighbourhood to us, And that your Majestie has been pleased to command the service of such numbers of your skilfull Experienced Officers and choice Troops, with soe Considerable a squadron of your Majestie's shipps of Warr, in this important affaire, and to commit the conduct thereof to His Excellency Brigadier Hill, appointed by your Majestie Commander in Chiefe, and the Honble Sr Hovenden Walker, Admiral of your Majestie's Squadron, who happily arrived at Boston on the 24th of June past, with as speedy a passage as could be Expected, And the forces both of the Land and Sea part in good State of Health; the account of which was Joyfull to us.

The preparations for the part of this frontier Government, In Obedience to your Majestie's Commands for the Expedition by the Hand of the Honourable Colonel Nicholson, are carryed on with such Application in Raising [P. 400.]the Troops of this province, and Transports to joyn your Majestie's Squadron, are this day perfected; And wee render our most humble thanks to your Sacred Majestie for the cloaths, Arms, and other accoutremts for warr of your Royal Bounty directed for the benefit of your Majestie's Troops levied within these yor Majestie's Goverments.

May Almighty God, on whom your Maj'tie's Dependence is placed, be Gratiously pleased to smile upon this Noble Important Undertaking, and Grant Success thereto in Subduing of Canada to your Majestie's Obedience; it will be a Glorious Acquisition to your Imperial Crown of Great Brittaine, and of Unspeakable benefitt & advantage to the whole Brittish Empire.

May God be alsoe Gratiously pleased to preserve yor Majestie's sacred person, long continue yor life & Reign, and prosper yor Majestie's Just Arms Every where, for the Abasing of the pride of the Great Oppressor of Europe; And that your Majestie may be Instrumental under God, to bring forward a speedy, happy and lasting peace, is and shall be the daily fervent prayer of

Madam,

Your Majesty's
Loyal, Dutifull & Thankfull,
Tho' distressed Subjects.

Signed in presence and by Order of the Council.

CHA. STORY, Secretary.

Portsm. in New Hampshire, in New England, 22^d July, 1711.
Signed in presence and by Order of the House of Representatives.

RICHARD GERRISH, Speaker.

[P. 401.] Province of New Hampshire.

Att a Council and General Assembly held at Portsm^o, on Monday, the 30th July, 1711.

Present,

Peter Coffin, Wm Vaughan, } Esqrs. Richd Waldron, John Plaisted, } Esqrs.

Mark Hunkin, Esq.

The following Letter from His Excellency the Governour was read at this Board and sent down to the House of Representatives, viz.:

BOSTON, 27th July, 1711.

Gentlemen,—

We have the news from the French prize lately brought into this place, that there is a Great fleet from France likely to make their Impression upon this Coast, and they may as easily look into your River as any other place.

[P. 401. I have had consideration of your posture, and judge it necessary that the fort be strengthened with forty men, and the halfe of the Militia drawn and made ready for a march from Hampton, Exeter and Dover, to the Bank and New Castle, at a minute's warning, and desire you to send for Major Smith, and agree the matter to be made ready.

If you have any thing other or further to offer, I desire you to write me by the post or Express as you see meet; and two of your fishing Boats must be Listed and directed to come in at the first sight of any fleet to give you notice.

I am,

Your humble Servt,

J. DUDLEY.

I allow you to see the Assembly and acquainte them with this letter, to make provision for the Subsistance accordingly.

To the Gentlemen of Her Majties Council of New Hampshire.

Voted in Council,

That pursuant to his Excellency the Governour's letter, dated the 27th Currant, Advising the danger of the French fleet designed to visitt the Coast, that her Majestie's fort Wm and Mary be [P. 402.] strengthened with soe many Soldjers as those already attached for that service shall make the number of forty, to be Raised out of the several Companyes of Militia in this province, in Equal proportion; And that a spy Boat or two be kept out a Cruising at Sea between Cape Ann and Richmond's Island to discover and give notice of the approach of any fleet or shipps to the number of five, and the Treasurer be forthwith directed to provide necessary Subsistance, which by virtue of this vote we promise in due season to Enable him to doe as well as to pay the other Charges accruing hereby.

30th July, past by the Councill.

Cha: Story, Secretary.

Past by the House of Representatives.

Saml Keais, Clerk.

Ordered, that the Secretary Issue out his warrant to Sheriffe, Water Baliffe or Constable for the Impressing of one or two spy Boats according to the vote of the General Assembly.

Prorouged till Wednesday, the 12th of 7br, 10 of the Clock, ante meredicm.

[P. 403.] Province of New Hampshire.

Att a Council and General Assembly held at Portsm°, by prorogation, on Thursday, the 13th of September, 1711.

Present,

Major Wm Vaughan, Samll Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

An Act Entituled an Act for Establishing a General Post Office for all Her Majestie's Dominions, and for settling a weekly Sume out of the Revenues thereof for the services of the warr, and other Her Majestie's occasions, was this day ordered to be published by beat of Drum, &c., at the usual and accustomed place. Accordingly the said Act was published; the Honourable, Her Majestie's Council, and several of the House of Representatives, being then present.

Adjd till to-morrow, 10 o'clock, ante merediem.

Province of New Hampshire.

Att a Council and General Assembly held at Portsm°, on Friday, the 14th of Sepbr, 1711, by adjournmt, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Wm Vaughan, Nathl Wear, } Esqrs. Saml Penhallow, John Plaisted, } Esqrs.

Capt. Hunkin and Robert Elliot, Esqrs., are appointed a Comittee to joyne with two of the House of Representatives for Auditing the Treasurer's Accounts not yet Audited.

Mr. Secretary Story was sent in a message to the House of Representatives to call them to this Board, who accordingly came, and his Excellency was pleased to make the following speech, in hæc verba sequen:

[Copied from Journal of the House.]

Gentlemen, —

Since I saw you in May last, her Majestie's Fleet and forces have happily arrived and been joyned with the forces of this and the other Provinces, in obedience to her Majestie's command, and are proceeded toward Quebec and other places in possession of ye enemy, and from whom we hope by the favour of Almighty God, to receive a good account of their proceeding and success.

That which Imports us is, so far to be ready for their return, as to make provision for the just Payment of ye subsistance and wages due to our Quota; and that you may enable the Treasury, I have directed ye Treasurer to lay before you an estimate of ye charge, which tho' it cannot be exact, will well enough put ye Representatives into the just consideration of w^t^ is necessary, and which I have no doubt you will now provide for.

I have been a little more early this session than usual, that the Treasurer may be ready for the return of your forces, and that ye soldiers may not be oblidged to make any long attendance for their payment, which will enervate ye charge.

The Expedition of a French fleet upon the coast this Summer oblidged me to strengthen the fort with forty men, the one half whereof I have lately discharged, and shall soon reduce the rest to your winter posture.

The ordinary Impost & Excise is nearly expiring, and may be a loss to the Revenue, if it be not at this time revived as is usual.

I shall be glad of your good agreement in every thing, and shall not be wanting in any thing in my power to put forward her Majestie's service and the benefitt of all her good subjects depending upon this Government.

J. DUDLEY.

[P. 405.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth by adj^{t} on Friday, the 14th of September, 1711, post merediem.

Present,

His Excellency, Joseph Dudley, Esq., Governour,

Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Nathl Wear,		John Plaisted	
Richd Waldron.		Mark Hunking,	

Adj^{d} till to-morrow morning, 10 of the clock.

Province of New Hampshire.

Att a Council and General Assembly held at Portsm^{o} by adj^{t} on Saturday, the 15th day of September, 1711, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Wm Vaughan,		Saml Penhallow,	
Nathl Wear,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunkin,	

The Representation of Theodore Attkinson (1) relating to the defect of the platforme and Carriages, &c., at Her Majesties fort, was read at this Board, and a Comittee of both Houses appointed to view the same and make Report, which was accordingly done and Approved off, as upon file.

Adj^{d} to-morrow, tenn of the clock, ante merediem.

(1) [From Journal of the House, p. 25.]

Sept. 14.

COPY OF YE MEMORIALL OF THEODORE ATKINSON, ESQ.

May it Please yo'r Excellency:

According to yo'r Excellency's Directions I have caused a House to be built for covering the carriages, &c., at her Majties Fort Wm. & Mary, and with the Master Carpenter viewed what other things were necessary to be done there. We found the Platforme Defective in many places, which for the present are mended, but in a little time must be new planked. We find the Carriages of ye Guns very Rotten. The

[P. 406.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth on Monday, the 17th of Sepbr, 1711, by Adjt, ante meredicm.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Wm Vaughan,	Esqs.	Richard Waldron,	Esqs.
Nathl Wear,		Saml Penhallow,	
Robert Elliot,		John Plaisted,	

Mark Hunking, Esq.

The following vote was sent upp from the House of Representatives to this Board, viz:

May it please yo'r Honours,—

Wee have perused and considered his Excellency's Speech, and wee finde by our votes that wee promised to Reimburse the Treasurer for Sundryes, which according to his Estimate, we think to be about eight hundred pounds; and the other claims from Mr. Treasurer and other people that may have just Debts due, being to us yett uncertaine,

Voted, That the thousand pounds coming into the Treasury in December next be Repeated for the payment of such promises and Debts as shall be allowed by the Comittee and approved off by the General Assembly, and the rest of Debts soe allowed wee promise to make provision for payment off at our next session, at which time

Powder house will want caseing before the snow, which with some other Repairs is humbly offered as absolutely necessary to be repaired forthwith. Your Excellency's Humble & Obedient servant, Theo. Atkinson.

Read at the Council Board. Upon the representation above said, Ordered, That John Plaisted & Mark Hunking, Esqs., be a Committee to joyn with two of ye Committee of ye House of Representatives, forthwith to repaire to her Majesties Fort Wm. & Mary and make Report of what the charge of such Reparation in the Representation mentioned will amount to. Cha: Story, Secy.

Voted, That Mr. James Rendell and Geo. Jaffrey be of the Comittee of this House to joyne with the Comittee for the above service.

Sam. Keais, Clerk.

wee hope care may be taken for the comittee to make their Returne.

Past the House of Representatives.

Sam^{ll} Keais, clerk.

17th Sep^{br}, 1711.

Read in Council and consented to unanimously, and ordered that a Bill be Drawn by the Secretary accordingly.

Cha: Story, Secretary.

Prorouged till Monday, the 8th of October next, 10, ante merediem.

[P. 407.] Province of New Hampshire.

Att a Council and General Assembly held at Portsm^{o} by His Excellency's Especial command on Monday, the 8th of October, 1711.

Present,

Peter Coffin, Wm Vaughan, Nathl Weare, } Esqs.

Richard Waldron, Saml Penhallow, John Plaisted, } Esqs.

Mark Hunking, Esq.

His Excellency's Letter of the 1st October, 1711, was read at this Board, in hæc verba:

Boston, October 1st, 1711.

Gentlemen,—

I desire you upon sight hereof to Intimate a meeting of the Assembly upon Monday, the 8th Instant, and let the Inclosed speech be read to both Houses, and use your endeavour to obtaine the settlement of the Revenew for the year and the enabling the Treasury to pay the Debts and forces. I pray you to use yor skill to doe the buisiness and if after three dayes you cann effect nothing publish the prorogation and rise with friendship.

I am yor humble serv^{t},

J. Dudley.

To the Honourable
Major Wm Vaughan, to be
communicated to the Gentlemen
of her Majesty's Council of New
Hampshire.

Mr. Secretary was sent down to the House of Representatives to call them to this Board, who accordingly came, (1) and his Excellency's Speech was read in hæc verba sequen:

Gentlemen,—

The Great Hurry of Affaires referring to the fforces in the late expedition and the Disposition of affaires of Her Majties forces depending thereupon will not admitt of my seeing of you at this time; and the Expiration of the Act for the Excise and Impost being within a few dayes, and the forces returning and justly expecting their payment has moved me to direct your session at this time.

I suppose there cann be noe doubt of the continueing of the Act of Excise and Impost, which is always a Branch of the Revenue in all Her Majesties [P. 408.] Dominions & plantations, and we have much more need of it at this time of soe great expences than at any time heretofore.

And if there be any other Act cann be brought in to save the Land tax I shall be always ready to doe my duty to Her Majesties Revenue and justice to the province for the payment of their Debts.

I must desire you to enable the Treasury by Repeating and further Impressing soe many Bills, if you choose that way, as will pay the province Debts, which must be done by an Act Granting soe much as is soe Raised to Her Majestie for a fund for the same, least wee disparage our Bills soe as they loose their currency and the Goverment their Creditt.

I pray you to pass thro' these articles in two or three dayes; and I have then directed a further prorogation to be then declared. J. DUDLEY.

Colonel Shadrach Walton was sent for to know when he disbanded his soldiers which went upon the expedition to Canada.

(1) [From Journal of the House.]

October 8th. By an order from his Excellency the House met.

Present,

Mr. Speaker,	Capt. Hill,
Mr. Atkinson,	Capt. Dudley,
Mr. Wentworth,	Mr. Rendall,
Capt. Gilman,	Mr. Marston,
Mr. Tilton,	Geo. Jeffrey,

& ye Clarke.

Answered, he disbanded them on Saturday last, the sixth instant.

Adj^{d} till to-morrow, 11 of the clock, ante merediem.

[P. 409.] Province of New Hampshire.

Att a Council and General Assembly held at Portsm^{o} by adjournment on Tuesday, the 9th of October, 1711, ante merediem.

Present,

Peter Coffin,	Esqs.	Richard Waldron,	Esqs.
Wm Vaughan,		Saml Penhallow,	
Nathl Wear,		John Plaisted,	

Mark Hunking, Esq.

The following vote was sent from the House of Representatives and read at this Board, viz:

Voted, That his Excellency the Governour be desired to Reduce the soldiers at the fort W^{m} and Mary to the usual number for the winter service.

October 9th, 1711.

Past the House of Representatives.

Saml Keais, Clerk.

Read in Council and Consented to unanimously.

Cha: Story, Secretary.

Adj^{d} till 3 oclock, post merediem.

Province of New Hampshire.

Att a Council and General Assembly, held at Portsm°, by adjournm^t, on Tuesday, the 9th of October, 1711, post meredicm.

Present,

Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nathl Wear,		Mark Hunking,	
Richd Waldron,			

The following votes being sent upp from the House of Representatives, was read at this Board, viz:

Voted, That two thousand pounds in Bills of Creditt be Impressed and signed by the Comittee, and Applyed for payment of such Debts as shall be allowed by the Committee for Auditing the province Debts, &c; and approved of by the General Assembly, and that a Committee be appointed for drawing an Act accordingly. Past by the house. Sam^ll Keais, Clerk.

October 9th, 1711.

Consented to by the Council.

Cha. Story, Secretary.

[P. 410.] John Plaisted, Esq., & Mr. Secretary Story, a Committee appointed to joyne with two of the House of Representatives to draw upp the Act for Impressing and Signing two thousand pounds Bills of Creditt, and the Act for Repeating 1000^lb to be collected and paid by December next.

Past by the Council.

Cha. Story, Secretary.

Voted, Theodore Attkinson & George Jaffrey, a Committee from the House of Representatives.

Sam^ll Keais, Clerk.

Voted, That the Act for Excise within this province be continued for one year from the expiration of the former Act.

Past by the House. Sam^{ll} Keais, Clerk.

October 9th, 1711.

Consented to by the Council.

Cha. Story, Secretary.

Adj^{d} till 10 o'clock, to-morrow morning.

Province of New Hampshire.

Att a Council and General Assembly held by Adjournm^{t}, on Wednesday, the 10th of October, 1711, ante meridiem.

Present,

Peter Coffin,	Esqrs.	Richard Waldron,	Esqrs.
Wm Vaughan,		Saml Penhallow,	
Nathl Wear,		John Plaisted,	

The following vote being sent upp from the House of Representatives, (1) was read at this Board :

Voted, That Mr Speaker and Mr. George Jaffrey be a Committee to joyne with some of the Council to view what stores is Returned, &c., from the late expedition, & to dispose of such of them as they think best for the province advantage; And the rest to be Housed in the magazine.

10 October, 1711.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Read at the Council Board, and voted that Richard Waldron & Mark Hunking, Esqrs., be a Committee to joyne with the Committee of the House of Representatives.

Cha. Story, Secretary.

(1) [From Journal of the House.]

Memorandum. Capt. Gilman and Mr. Epha. Maston absented themselves without leave.

[P. 411.] The several Bills following having been three several times read, were past to be enacted and consented to by his Excellency the Govern^{r}, and by him signed accordingly, viz:

An Act for Continuing the Dutys of Excise, &c.

An Act for Emitting Bills of Creditt, &c.

An Act for Repeating one thousand pounds, &c.

I doe hereby prorouge the General Assembly of the province of New Hampshire, to Thursday, the fifteenth day of November next.

Given under my hand,

J. DUDLEY.

And accordingly, the General Assembly of this province is prorogued to Thursday, the fifteenth day of November next.

[P. 412.] Province of New Hampshire.

Att a Council and General Assembly held at Portsm^{o}, by his Excellencye's Especial Directions, on Tuesday, the 30th of October, 1711.

Present,

Wm Vaughan,	Esqrs.	John Plaisted,	Esqrs.
Robert Elliot,		Mark Hunking,	
Sam^{ll} Penhallow,			

The foll. Letter was read at this Board, in hæc verba:

Boston, 25th Octob^{r}, 1711.

To the Gen^{ll} Assembly.

Gentlemen,—

Two dayes since Lt General Nicholson arrived here, and the Assembly, sitting, have had conference with him, and he gives account that the several Goverments westward are petitioners by their Addresses, that Her Majestie will be pleased in Her Loyal Regard to Her provinces in North America, to Renew the expedition the next year. And the Assembly now sitting have agreed the same, and their Committees are now drawing their Address.

I desire and Direct that there be an Extraordinary session of

the General Assembly of the province of New Hampshire, holden at Portsmouth, on Tuesday, the 30th of this Instant October, for the Consideration of an address to Her most sacred Majestie, that she will be pleased to Renew the Expedition against Quebeck, with humble Representation of your great Distress by the warr, and Great poverty and Incapacitye to support yor frontiers at Home and a Quota of force abroad; However humbly to pray that wee be not left a prey to the Insults of the enemy.

Yor humble Servt,
J. DUDLEY.

Lt General Nicholson gives his Service to the Gentlemen of the Council and Assembly.
Mr. Secretary Story, of Her Majestie's province of New Hampshire, to be communicated.

Gentlemen: —

Upon receipt of this Letter I desire you to communicate it to the Gentlemen of the Council, Mr. Speaker Gerrish, and such members of the Representatives as are usual, and lett the Sheriffe be directed [P. 413.] to warn the session accordingly. And I hope to enclose a copy of the address of this Goverment, or a minute of it, that you may use your own words and method.

Wee are sensible here that the news of a New Expedition at Quebeck will do us service; and truly, if an Expedition or peace doe not relieve us, wee shall be Greatly waisted.

I doe not Doubt but every body will come into it. I desire Mr. Secretary and Mr. Speaker will signe two faire copyes in forme, Leaving Room for me.

And I shall expect it Express, and the Court may Rise upon the former prorogation to the time appointed.

Yor Servt,
J. DUDLEY.

To the Gentlemen of Her Majties
Council of New Hampshire.

The following vote was sent upp from the House of Representatives:

Voted,

That there be an Address from the House to the Queen's most Excellent Majestie, that an Expedition be brought on for the Reducing Canada the next Spring, and that Geo.

Jaffrey and Theodore Attkinson be a Committee to joyne with two of the Council to draw upp the said address, and that the Speaker signe in behalfe of the House of Representatives.

30th October, 1711.

Past the House of Representatives.

Samll Keais, Clerk.

Read in Council and Consented to, and ordered that Samll Penhallow and John Plaisted, Esqrs., be a Committee of this House to Joyne with the Committee of the Representatives, in drawing said address; And that Mr. Secretary Story subscribe and signe the same by order of the Council.

Cha: Story, Secretary.

[P. 414.] *To the Queen's Most Excellent Majestie:—*

Wee your Majestie's most Loyal and Dutifull subjects, the Governour, Council and Representatives of this your Majestie's province of New Hampshire, in New England, in America, Convened in General Assembly, the 30th day of October, 1711, Most humbly crave leave to acknowledge yor Majestie's most gracious favour, In the late Important Expedition against Canada which (If succeeded) might under God be of unspeakable advantage unto us, as well as Enlarging the Territories of yor Majestie's Imperial Crown in these Northern plantations.

But whereas the Divine Soveraignty was pleased to disappointe that noble designe, in which wee yielded a chearfull obedience to your Majestie's Loyal Commands, would humbly Crave yt notwithstanding the Disappointment, your Majestie would gratiously accept of our sincere designe and Endeavours therein.

Att same time most humbly pray, If in your princely wisdom you see meet, that your Majestie would Gratiously please to Renew the Expedition in the Spring, for the Reducing of that Country unto your Majestie's obedience.

And whereas one halfe of our men are Employed against the daily Insults of a Barbarous Enemy, which render us very poor and feeble, and considering that one-third of our young men at least, yearly goe abroad, few of whom returne again, Wee humbly begg your Majestie's most Gratious favour respecting our Quota of men under the present distressing circumstances, and humbly

prostrate our selves at yor Royal feet—with earnest supplications unto Almighty God for your Majestie's Long Life, and Success unto your Majestie's just arms.

Wee begg leave to subscribe
Madam, yor Maj^{ties} most Loyal and
Dutifull Subjects.

Signed in presence and by order of the Councill.
Cha: Story, Secretary.

Portsm^{o} in New Hampshire in New England,
30th October, 1711.

Signed in presence and by order of the House of Representatives,
Richard Gerrish, Speaker.

[P. 415.] The General Assembly were Prorouged till the 15th day of November next comeing.

Mett according; Prorouged till the 21st of November Curr^{t}.

Mett accordingly, Prorouged till the 22^{d} Curr^{t}.

Mett accordingly, Prorouged till the 29th Curr^{t}.

Mett accordingly, Prorouged till the 6th X^{br} next.

Mett accordingly, Prorouged till the 6th Feb'ry following.

Mett accordingly, Prorouged till the 7th Currant.

Mett accordingly, Prorouged till the 14th Curr^{t}.

Mett accordingly, Prorouged till the 25th March, next ensuing.

Mett accordingly, Prorouged till the 27th Curr^{t}.

Mett accordingly, Prorouged till the 30th of April next.

Mett accordingly, Prorouged till the 1st day of May next.

Portsmouth, New Hampshire,
Nov^{r} . . . . . 1711.

[From MS. Correspondence in Secretary's Office, pp. 23–25.]

Instructions for Henry Newman, Esq.,* resident in Westminster, employed by the Governour and Council of this her Majesty's Province, at Whitehall:

*These appear to be a first draft, by Gov. Dudley.

You shall upon the arrival of these letters, attend Lieutenant General Nicholson & communicate to him the Address now sent you, & pray him to countenance & favour you in the presenting your petition; and Accordingly depend upon his advice in all things.

You shall also comunicate the Address & these Instructions to Jeremiah Dumer, Esq., Agent for the Massachusetts; & it may be present your Address at the same time, with Colonel Nicholson's advice.

You shall by your Memorial represent to her Majesty or my Lord Dartmouth, as may be judged best, the sorrowful estate of the Province, consisting of no more than one thousand fighting men, in six or seven open villages, who are always *obnoxious* to the Inroad of the partyes of Indian and French, and always are upon their guard and scouting.

Besides the one hundred men that have now for three years past been in service by her Majesty's especial command, which is a very great charge to the Province; besides forty men in service at the Forts; you shall *carefally* [?] pray some abatement in the said number of men, in any New Expedition, and that the lower Governors of the Jerseys, Pennsilvania, Maryland & Virginia may supply men or be charged a sume of money to the assistance of the Expedition.

You shall *carefully** move as all the Governors do, that a new Expedition may be raised, & that Gen. Nicholson be employed therein, who perfectly understands the *forces* of the Provinces, the state of the country, and what is to be feared if we be now left.

You shall pray for a Garrison for the fort at Newcastle in this Province of forty men, to be upon the Brittish establishment, who need a Lieutenant with them; Colonel Walton, who has her Majesty's Commission for a Colonel, being at present Captain of the Fort.

[Not consented to, therefore left out.]

You will always remember that this Province is next to the Eastern Indians, who are the most troublesome upon the Continent.

You shall represent the perfect obedience of this Goverm^t to her Majesty's Commands in all things, of men, & provisions & transports the last year to Port Royal, & this year towards Quebeck; and the heavy Debts that are upon us at this time to be discharged upon that account.

*Perhaps the word is *earnestly*.—Ed.

And we intirely submit ourselves to her Majesty's disposal.
Signed by order of the Governor & Council. J. D.
C. S.

Upon receipt hereof, summon & Communicate these Instructions to them, & let them adde, alter or correct what they please. They will pardon me to be thus free with them; it is my sincere respect to the welfare of the Province, as well as the necessary Expedition of the papers, which must be with me by Monday, which is the last day the General will stay.

You may use the advise of Mr. Speaker, and any member of the house of Representatives, if you please. I would have done all this in full officially, but you see the time will not admit. Send imediately for Mr. Waldron & other Gentlemen of the Council & let them proceed in this affair, as they, having mett in Council, shall determine.

Mr. Secretary Story. J. DUDLEY.
Nov. 7, 1711.
Make ready your papers for Whitehall.

Indorsed—"For her Majesty's service.—J. DUDLEY. To Charles Story, Esq., Secretary to her Majesty's Province of New Hampshire, Portsmouth. To be Exprest by Col. Hawthorn, Col. Noyes, to Hampton."

[P. 416.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth by Prorogation, On Monday the fifth day of May, 1712.

Present,

His Excell. the Govern^r,

Major Vaughan,	Esqrs.	Sam^ll Penhallow,	Esqrs.
Robert Eliot,		John Plaisted,	
Nath^ll Wear,		Mark Hunking,	

Mr. Secretary being sent as a Message to call the House of Representatives to this Board they accordingly came,*

**Members of the House.*

Present,

Ye Speaker,	Capt. Hill,
Mr. Atkinson,	Mr. Jones,
Capt. Dudley,	Mr. Rendall,
Danl. Tilton,	Maj'r Smith,
Epha. Maston,	Geo. Jaffrey,
Capt. Gilman,	Saml. Keis.

and his Excellency was pleased to make the following speech, in hæc verba sequen:

Gentlemen,—

The Disaster of Her Majestie's fleet and forces last year has, as wee might Expect, Encouraged the Indian Rebels in their Inroad upon us, And wee must be content Early to Apply our selves to our usual method of comeing into strict Garrisons, Scouting & marching in the frontiers, and to the fishing places, to prevent their Lodging near us.

I have therefore Resolved to Double the forces in the province of Maine, and Given Orders accordingly, Since my coming hither, and Judge it necessary that there be a party of this province of forty men at least, with proper Officers, to March from Kingstown to Cochecho Every two or Three dayes, and that halfe the Militia be drawn out to stand ready for a March where the Enemy shall be known to Approach us with any Great Number, which is to be Expected by an Intelligence from Casco Bay, which I shall Communicate to you.

Her Majestie's fort must also be inforced with the usual number for the Summer Service.

I must alsoe recommend to you the Establishment of the Impost, which was abated the last year, and is certainly a Surprise to the Goverments at Home, for that there is every where a Duty upon shipping and Trade for the support of the publick Charge, in the ease of the Land Tax, which is always heavy upon the Country.

[P. 417.] In yor Ordinary affaires of the province, I shall shew myselfe ready to doe my duty for Her Majestie's service and the benefitt of all Her Majestie's good Subjects, as I ought.

Adj^d till 3 o'clock, post merediem.

Province of New Hampshire.

Att a Council and General Assembly at Portsmouth, by adj^t, on Monday, the 15th of May, 1712, post merediem.

Present,

His Excellency Joseph Dudley, Esq., Govern^r, &c.,

Major Vaughan,
Robert Elliot,
Nathl Wear,
Richd Waldron, } Esqrs.

Sam^ll Penhallow,
John Plaisted,
Mark Hunking, } Esqrs.

The following vote was sent upp to this Board from the House of Representatives, in hæc verba sequen:

Pro. N. Hampshir.

Voted, that his Excellency be desired to give Orders for a scout of forty men between Kingston & Cochecho, with good officers to Command them, for securetye of our frontiers. By Order of the House of Representatives.

Sam^{ll} Keais, Clerk.

5th May, 1712.

The Council unanimously Agrees to this vote.

Cha. Story, Secretary.

Adj^{d} till to-morrow, 10 of the clock, ante meredicm.

[P. 418.] Province of New Hampshire.

Att a Council and General Assembly held at portsmouth, by Prorogation, on Tuesday, the 6th of May, 1712, ante meredicm.

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Major Vaughan,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Nath^{ll} Wear,		John Plaisted,	
Robert Ellott,		Mark Hunking,	
Richd Waldron,			

To His Excellency, the Govern^{r}, the Honble the Council and Representatives in General Court Assembled:

The humble petition of Samuel Foulsham, Humbly Sheweth,—

That whereas your petitioner lives between the Bounds of the Town of Hampton and Portsmouth, in the province of New Hampshire, He is Rated by both of the said Towns, and has paid his province Rates to each Town, in

which case humbly craves your Excell. and Honour's Reliefe.

Your Excellency and Honour's most Humble servt,

Samll his mark. Foulsham.

Upon Reading this petition, —

setting forth that the Constable of portsmo has taken sixteen shillings for a province Rate for the year 1711, And the Constable of Hampton thirty-two shillings for several Rates the said year, both upon pretence of his being within the Bounds of their several precincts or Constables Rick,*

Ordered, that the said Foulsham be hereby discharged from the payment of any tax to any of the said places for the future, untill this matter shall be settled, And the Governr, Council and Assembly give order therein; upon peril of any such Constable's suffering for his Contempt of this Order.

Read in Council, the 6th May, 1712.

Cha: Story, Secretary.

[P. 419.] And upon further Application of Elias Philbrook, he having paid the Rates as aforesaid, being of the Same Circumstances, that he have the like benefitt of this Order with Samuel Foulsham, the petitioner.

In Council,

Cha: Story, Secretary.

Read in the House of Representatives and voted, —

That noe Rates are taken from the said Foulsham and Philbrook by either of the Towns, untill the Bounds are sett.

Samll Keais, Clerk.

Adjd till 3 o'clock, post merediem.

* *Ric* or *rick*,—a district over which government is exercised.—*Web. Dic.*

Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, on Tuesday, the 6th day of May, Anno Domini 1712, post merediem.

Present,

His Excellency Joseph Dudley, Esq., Governr,

Major Vaughan,	Esqrs.	Samll Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nathll Wear,		Mark Hunking,	

Timothy Gerrish (1) was sworn as a member of the House of Representatives, and took the oaths appointed by Law, and subscribed the Test and Declr, &c.

Ordered, that all Bills of Creditt of this province, being any way Defaced, that may be made Certaine to be true Imprinted Bills, shall from time to time be changed by the Treasurer of this province.

The Petition of Nathll Wear, on behalfe of himselfe and the Inhabitants [p. 420.] of the new parrish of Hampton, was read at this Board, and sent Down to the House of Representatives, in hæc verba sequen:

To His Excellency Joseph Dudley, Esq., Governr and Commander in Chiefe, and the Honourable the members of the Councill in the province of New Hampshire; And the Members now sitting in General Assembly.

The Humble Address and petition of Nathll Weare, in behalfe of himselfe and diverse others, on yr desire, who are Her Majesties Loyal and Dutifull Subjects belonging to the New parish at Hampton ffalls, Most Humbly sheweth, —

That although wee are comed to a Good measure of settlemt through God's good providence among us, both to Church and Ministry, to the Great Satisfaction of all as farr as wee know,

(1) [From Journal of the House.]

May 6th. Upon ye death of Mr. Ezekiel Wentworth, Capt. Timothy Gerrish was chosen a Representative from the Town of Dover, and Saml. Penhallow, Esq., came with Mr. Secretary Story, and gratifyed ye said Capt. Gerrish by administering the oaths, &c., appointed. And the sd. Capt. Timothy Gerrish is admitted a member accordingly.

And the Town in General, to Raise a tax for the support of each minister as by the said order may appear; Yett there are several charges that doth arise that are proper, particularly by those that belong to our parish, to be paid, as wood for to be provided for our minister, and fencing the parsonage Land, and for paying the schoolmaster, and several Charges that doth Rise relating to Minister and schooling, which cannot be equally discharged, or promises justly performed, without a Tax on the Inhabitants in this parish.

Wee therefor pray that wee may have liberty and power to convene the Inhabitants together that belong to this parish from time to time, to Consider and Agree about those things that are needfull as to the ministry and schooling; And that wee may choose assessors among our Selves to be joyned with the Select men that belong to our parish, to assess the estates of the Inhabitants belonging to our parish, for the Defraying of all such charges as shall from time to time [P. 421.] Arise Relating to these Affaires, all being Concerned in this affaire that live westerly of the Line Returned by the Committee, and that such Taxes shall be collected and Gathered by the Constables from time to time, and paid according to Order of said assessors: all which as in your wisdom shall see meet.

And your petioners, as in Duty Bound, shall ever pray, &c.

Nath^ll Wear.

The aforesaid petition was sent back from the House of Representatives to this Board, with the following Returne in hæc verba sequen:

Pro. N. Hampshr.

Wee are humbly of opinion that the petitioner be Referred to the General Town meeting of Hampton; by order of—

The House of Representatives.

Sam^ll Keais, Clerk.

The Council Consents to the Reference above and directs the Inhabitants of Hampton to proceed thereupon at next Town meeting and make a Returne to the next General Assembly of this Province.

Cha: Story, Secretary.

Adj^d till tenn o'clock to-morrow morning.

[P. 422.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, by adjournm^{t}, on Wednesday, the 7th day of May, Anno Domini 1712.

Present,

His Excellency Joseph Dudley, Esq., Governour, &c.,

Wm Vaughan,	Esqrs.	Saml Penhallow,	Esqrs.
Nath^{ll} Wear,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

The Petition of William Partridge, Relating to his being Grosly abused by Capt. —— Armstrong, was Read at this Board, in hæc verba sequens:

To His Excellency Joseph Dudley, Esq., Capt. General and Commander in Chiefe of Her Majestie's provinces of the Massachusetts, New Hampshire, &c., and Vice Admiral of the same, and to the Honourable Her Majestie's Council:

The Humble petition of William Partridge, Inhabitant and freeholder in the Town of portsmouth, in the province of New Hampshire, sheweth, —

That your petitioner sometime in October last past was in his own House, at which time one Capt —— Armstrong with two of his men, forceably entred your petitioner's House, seized his person and forceably carried him on Board said Armstrong's vessell, there kept him several Dayes under pretence of your petitioner having a hand in Concealing or Conveying away one Rust, a soldier; on Board said Armstrong Punished your petitioner at his pleasure, and forced him to signe a writing, but what it was yor petitioner knoweth not, save onely as is Reported that it was for Listing him a soldier; then Turned your petitioner on shoar; But now said Armstrong is come hither againe and Demanded at your [P. 423.] Petitioner's House for Him: That your petitioner is under Great fear that the said Armstrong will do him Injury, as at first.

Your petitioner doth therefore humbly pray Your Excellency's favor in this case soe farr as that your petitioner may be secured from such violent Actions of said Armstrong, and his person Preserved in such manner as in yor Excellency's Wisdom shall see meet.

Soe prays your Excellency's most Humble servant,

Wm Partridge, Jun.

In Answer to this petition It is supposed by the Honourable the Council, that noe person [?] will presume to take by force any of Her Majestie's Subjects out of this province.

However, It is Ordered that the Justices and High Sheriffe of this province take care that none of Her Majestie's said Subjects be taken or Carried away out of the said province without the Knowledge and Approbation of the Goverment, Agreeable to Law.

Consented to in Council,

Cha: Story, Secretary.

Some proofs upon file relating to this petition.

Adj^{d} to 3 o'clock, poste merediem.

[P. 424.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth by adjourm^{t}, on Wednesday the 7th of May, 1712, post meredicm.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

William Vaughan,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Nath^{ll} Weare,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

These are to certifie that Salathiel Denbow was Imprest for the Expedition to Canada last Summer.

James Davis, Capt.

Dover, April 29th, 1712.

These are to certifie that Salathiel Denbow was wounded in her Majestie's service in the late expedition to Canada, having his thigh broke and a fracture in the skull.

James Jaffrey, Capt.

Portsm^{o} March 27th, 1712.

7th May, 1712. Read and Recommended to the Representatives for subsistance and satisfaction.

Cha: Story, Secretary.

Voted, That there be paid unto the said Salathiel Denbow from the Treasury Tenn pounds for subsistance and satisfaction.

P. order of the House of Representatives.

Sam^{ll} Keais, Clerk.

7th May, 1712.

Consented to by the Council.

Cha: Story, Secretary.

The following vote was sent upp from ye House of Representatives, in hæc verba sequen:

Voted, That there be seven soldjers added to them at Her Majestie's fort at New Castle for the Summer Service.

Past by the House.

Sam^{ll} Keais, Clerk.

7th May, 1712.

Consented to by the Council.

Cha: Story, Secretary.

Adj^{d} till to-morrow morning 10 o'clock, ante merediem.

[P. 425.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, on Thursday, the 8th day of May, 1712, Ante Merediem.

Present,

Wm Vaughan,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Nath^{ll} Wear,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

The following note was sent down to the House of Representatives, in hæc verba sequen:

Upon a message of the House of Representatives Refusing to lay any dutyes of Impost upon Goods & Merchandize,

The Council take leave to Represent to the Govern^{r} that they are very willing to come into any Act for the Establishment of a just Impost upon the Trade of the province, as has been used in all past times, and as in force in all

other Her Majestie's Governments in America; Thereby to assist & ease the Land Tax, which is very heavy upon the Husbandry of the province, if it might be obtained; And this they Judge to be their Duty to Her Majestie and all Her Majestie's Good Subjects within this province.

Read in Council, 8th May, 1712.

Cha: Story, Secretary.

The Petition of John Hinkes, Esq., was read at this Board Relating to an action Commenced agt him by John Cross, and for money due to him from this province, &c., as on file, —

Whereupon his Excellency the Governr was humbly desired in Council that nothing may be done In Answer to the said petition to stopp the proceedings of Law and Justice; there being Judgement agt the petitioner, In Her Majestie's Inferior [P. 426.] Court of Common pleas in this Province, and that the Committee of publick accts receive any Challenge of Debt upon the province, from the petitioner, and to Report the same to the General Assembly.

Sent down to the Representatives for Concurrence.

In Council,

Cha: Story, Secretary.

Read in the House of Representatives and Concurrd with the Council's Opinion.

Samll Keais, Clerk.

Adjd till to-morrow morning, 10 of the clock, ante merediem:

Province of New Hampshire.

Att a Council and General Assembly held by adj^{t} at Portsmouth, on Friday, the ninth day of May, 1712, ante merediem.

Present,

His Excellency the Governour,

Wm Vaughan,	Esqs.	Sam^{ll} Penhallow,	Esqs.
Nathl Wear,		Jno Plaisted,	
Richd Waldron,		Mark Hunking,	

The following petition was read at this Board, in hæc verba Sequen:

To His Excellency Joseph Dudley, Esq., Capt. General and Governour in Chiefe, in and over Her Majesties provinces of the Massachusetts and New Hampshire, &c., and to the Honourable the Council now sitting at Portsmouth, together with the Representatives in General Assembly:

The Humble petition of the Poor Inhabitants of the Townshipp of Kingstown within said province of New Hampshire, Sheweth,

Whereas, the Inhabitants of the Said Town have hitherto on acc^{t} of the Warr been cleared from all publick charge, and the enemy now insults us as much [P. 427.] as ever, and there now being a Representative required of us, our circumstances being in a very Low Condition, and the enemy like to be as troublesome as ever they have been:

Yo^{r} Petitioners therefor humbly prays yor Excellency and the Honourable the Council, that wee may as yett stand on the Establishment wee did before, till such time as your petitioners are better able; Wee humbly submitting our selves to what your Excellency and the Honourable the Council shall Judge meet.

Soe prays yor humble Petitioners,

Jon^{a} Sanburn, In behalfe of the Town.

Upon Reading this petition, The Council Declares that they are very sensible of the good service of the Inhabitants of Kingstown and the hardshipp they labour under in and shall use all methods for their Encouragement.

And therefor Recommend to the Representatives the prayer of being eased of the present tax and of the at-

tendance of a Representative During the present Distress untill further order.

Read In Council. Cha: Story, Secretary.

Pro: N. Hampshire.

Voted, That the town of Kingstown be excused from sending a Representative & paying any part of the province charge for the present year, provided they assist the scouts with pilots at their own charge whenever required.

May 9th.

Pr. order of the House.

Samll Keais, clerk.

Consented to by the Council.

Cha: Story, Secretary.

Adjd to 3 o'clock, post meredíem.

[P. 428.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth by adjt on Friday, the 9th day of May, 1712, post meredíem.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Wm Vaughan,	Esqs.	Samll Penhallow,	Esqs.
Nathl Wear,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

The following Petition was read at this Board, in hæc verba sequen:

To his Excellency the Governour, the Honourable the Council, and Representatives in General Court assembled:

The humble petition of Edward Toogood, Robert Almery, Edward polly and Roger Swaine Humbly sheweth, —

That whereas your petitioners did each of us, by order and command of the authority in ye place, take care to Dyett, Lodge, Nurse and provide for sundry sick and weak men cast away at Boon Island and brought hither in December or January, 1710-11, whom wee did with much Trouble and paines look after until

they were in some measure Recovered and were discharged by the said Authority, for which wee were promised Good satisfaction, but as yet, altho' wee have already made application to the last General Assembly wee cann obtaine noe beliefe or Satisfaction;

We therefore now humbly Renew our Addresses to your Excellency and Honours, that our Accounts may be perused and allowed, and what reasonable satisfaction you shall see meet may be made us. Wee are

Yo^r Excellency's and Honours most humble serv^ts,

Edward Toogood,
Robt. Almery,
Edward Polly,
Roger Swaine.

[P. 429.] The aforesaid petition was read in Council & Recommended to the Representatives for payment, least the Government be Reflected upon for neglect of the publick charitys to distressed persons of our own nation.

Cha: Story, Secretary.

The following vote was sent upp from the House of Representatives, viz:

Province of New Hampshire.

Voted, That his Excellency be desired to allow there may be a Breife* in the several parishes, within this province, for the satisfieing the persons who took care of the men brought from Boon Island by the Christian Charity of the people of the said parishes.

May 9th.

Past by the House of Representatives.

Sam^ll Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

Voted, That every minister called and Qualified accord-

**Brief*,—a letter-patent, from proper authority, authorizing a charitable collection, &c.—*Web. Dic.*

ing to the Law of the province shall at all times have a serv^{t} free from any Impress.

Saml Keais, Clerk.

By order of the house of Representatives.

Saml Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

Adj^{d} till to-morrow morning, 10 of the Clock.

[P. 430.] Province of New Hampshire.

Att a Councill and General Assembly held at Portsmouth by adjournm^{t}, on Saturday, the 10th of May, 1712, ante merediem.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

Wm Vaughan,	Esqs.	Sam^{ll} Penhallow,	Esqs.
Nathl Weare,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

Province of New Hampsh^{r}.

To His Excellency the Governor and Hon'ble the Council now sitting at Portsmouth:

I had the Honour of commanding the soldjers at the fort W^{m} and Mary last year, during which time, according to your Excellency's directions, the men were often changed from eight to forty, and by the request of the Commanders from whence they came, and the ease to the people, they were shifted some a week and some two, as you may see by the muster Roll, some longer; and those men coming from Tenn Companyes, shifting almost every one at different dayes, caused me continual Trouble. When I put in the muster Roll I put an article of Double Sentinal's pay for my service, which was thought fitt by the Committee as their Returne will manifest, but Referred to the General Assembly by reason as is thereon mentioned.

However, when it came to the House of Representatives they thought it too much; I then desired they would allow me thirty pounds wh^{ch} is but four pounds more than the meanest Sentinel Receives from the Treasury, which not being allowed causeth my

troubling yor Excellency and Honours for yor opinion In the matter; [P. 431.] and if my request of thirty pounds be thought too much I shall humbly submitt to what you order, and crave leave to subscribe yor

Excellency and Hon^rs humble servant,
Theo. Attkinson.

Read in Council the 10th May, 1712.

The Council are of opinion that Mr. Attkinson's demand is very reasonable, and Recommended to the Representatives accordingly; And the Council are very sorry the province is not able to give him Lieutenant's pay, as he well deserves.

Cha. Story, Secretary.

The House Concurr in the Allowance of thirty pounds to Theodore Attkinson, Esq., for service at the fort W^m and Mary.

May 10th.

Per Order of the House,
Sam^ll Keais, Clerk.

The two following votes was sent upp to this Board from the House of Representatives, viz:

Forasmuch as Ignorance, ill manners and Irreligion are propagated by many parents & masters by neglecting to Instruct youth under their care, &c.; It shall be Lawfull for the select men, with a Justice of the peace, to Examine all youth of Tenn years of Age whether they have been taught to Read, and all which cannot Read at said Age, to binde out to good masters, who shall be oblidged to Learn them to Read and Write, till they shall be of Age, &c.

10th May, 1712.

Voted in the House of Representatives.

Sam^ll Keais, Clerk.

Consented to by the Council.

Cha. Story, Secretary.

[P. 432.] That whosoever shall Refuse or Disobey the Orders of his Officer in Repairing to and doing his Duty at the Garrison to which he is appointed, or neglect any ser-

vice in scouting or marching, for which he is Impressed or Commanded by his Captaine, shall be forthwith sent down to Her Majestie's fort W^{m} and Mary, there to serve tenn dayes, and soe much Longer, Untill the Charges accrewing by his disobedience be paid, And the Commanders of the fort shall receive them and Improve them accordingly.

10th May, 1712. Voted in the House of Representatives.

Sam^{ll} Keais, Clerk.

Consented to by the Council.

Cha. Story, Secretary.

The Committee's Report about the publick Debts of the province, with the Representatives' allowance thereupon, was read at this Board, in hæc verba sequen:

[P. 433.] Province of New Hampshire.

Att a Committee for Auditing the publick Acc^{ts} of the province, held at Portsm^{o}, the 17th Dec^{br}, 1711.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs. Theodore Attkinson, Joseph Smith, Mr. George Jaffrey, } Esqrs.

Mr. Treasurer Penhallow, Acc^{t} No. (1), for 1710 & 1711, was distinctly read and his voucher produced, Allowed and approved of, and ballance due to the said Treasurer, 9: 2: 9

Adj^{d} till to-morrow morning, tenn of the clock, ante meredicm.

Mett accordingly, and present as above.

Mr. Treasurer Penhallow's Accts. about the Canada Expedition, No. (2), Am^{o} to 1001: 0: 10, Allowed and approved of, Excepting 1: 13: 8, soe there Remaines due to the said Treasurer, 999: 7: 2

Adj^{d} till Monday, the 7th January next.

Mett accordingly, and all present as above.

Mr. Treasurer's Acc^{ts}, No. (3), for Subsisting of Soldjers at Her Majestie's fort, Anno 1711, Allow^{d},	91: 4: 6
	1099: 14: 5

Adj^{d} till to-morrow morning, 10 of the clock.

[P. 434.] Province of New Hampshire.

Att a Committee for Auditing the publick accts., held at portsm^{o} by adjournment, on Thursday the 27th March, 1712.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs. Theodore Attkinson, Joseph Smith, Mr George Jaffrey, } Esqrs.

Brought over,	1099: 14: 5
4. Colonel Shadrach Walton's muster Roll, Refer^{d} to the General Assembly, with the postage Bill,	323: 0: 0
5. James Jaffrey's Muster Roll, with the postage Bill referred to the General Assembly,	310: 17: 7
6. Dr. Ellis, his Acct., No. (6), Referrd to the General Assembly, about the charge of sick Soldjers of New Hampshire.	
7. Major Joseph Smith's Accts., about postage, allow^{d},	16: 4: 0
9. Mr. Fellows' Acct., about Expences of the Committee,	3: 6: 5
9. Mrs. Elizabeth Harvey's Acct. about Expences of the Governour, Council, &c., Allowed,	16: 5: 10
10. Alexander Miller's Acc^{t}, about postage, &c., Allow^{d},	10: 11: 6

Adj^{d} till the 8th of April next, 10 o'clock, ante merediem.

Mett accordingly, and adj^{d} till the 29th of April, 1712.

11. James Rendal's Acc^{ts} Referr^{d} to the Assembly, Allow^{d},	1: 4: 0
	1781: 3: 9

[P. 435.] Province of New Hampshire.

Att a Committee for Auditing the publick Acc^{ts} of the Province held at Portsm^{o}, on Monday the fifth of May, 1712.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs. Theodore Attkinson, Joseph Smith, Mr. George Jaffrey, } Esqrs.

	Brought over,	1781: 3: 9
N^{s}		
12.	Theodore Attkinson, Esq., his muster Roll, about the fort W^{m} and Mary, Anno 1711. All the Articles in the said Muster Roll allow^{d}, Excepting the last Article, Relating to Mr. Attkinson, which is thought Reasonable by the Committee, but Referr^{d} to the General Assembly, there being Noe Establishment,	324: 0: 0
13.	Mr. Secretary Story's Acct., Allow^{d} forty pounds in full thereof,	40: 0: 0
14.	Colonel Walton's Debenter, about his pay in the two Expeditions, one to Port Royal the other to Canada, allowed,	14: 0: 0
15.	Sam^{ll} Penhallow, Esq., his General Acc^{t} of provisions, Referr^{d} to the General Assembly.	
16.	Colonel Packer's Acc^{t}, about Boon Island Sailors, that were brought off there almost starved and froze to death, Referr^{d} to the General Assembly.	
17.	Roger Swaine's Accts., Relating to Ditto, Referr^{d} to the General Assembly.	
18.	Robert Almory, his Accts. Ditto, Referr^{d} to the General Assembly.	
19.	Edward Toogood, his Accts. Ditto, Referr^{d} as above.	
20.	Colonel Packer's Acct., about entertaining the Lieut. Governour, Council, &c., Allow^{d},	18: 11: 11
21.	Thomas Phipps, Esq., High Sheriffe, his Accts. for attending upon the Govern^{r} and Council and summoning the Council, &c., Allow^{d},	10: 0: 0
		2187: 15: 8

22. [P. 436.] Edward Polly, his Acct. relating to Sailors brought from Boon Island, almost perished, Referr^{d} to the General Assembly.	
23. Capt. William Pepperel's Accts., relating to the Joanna Transports, Referr^{d} to the Gen^{ll} Assembly.	
24. Samuel Penhallow, Esq., his accts. of Disbursements, allow^{d},	190: 2: 10
25. Colonel Walton's Muster Roll upon a late Expedition Eastw^{d}, Referr^{d} to the Assembly,	49: 19: 0
26. Capt. Gilman's Muster Roll, allow^{d},	5: 3: 0
27. Major Smith's Acct. about 2 Soldiers at Colonel Hilton's Garrison,	7: 4: 0

6th May, 1712.

Wee, whose names are hereunto subscribed, having perused all the Accts. before mentioned and well considered the same, doe finde justly due to each person the several sumes sett opposite to their names and n° of each man's Debenter, and other accts. and muster Rolls, whose sumes are not sett opposite as aforesaid, are Referr^{d} to the General Assembly.

Joseph Smith,	Robert Elliot,
Theodore Attkinson,	John Plaisted,
Geo. Jaffrey,	Mark Hunking.

28. Benjamin Akerman, for his Attendance on the Council and Assembly,	5: 0: 0
29. Selathiel Denbo, pr order of the General Assembly, for his being wounded in Her Maj^{ties} Service,	10: 0: 0
30. Capt. Wincal's portlidge* Bill, allow^{d},	81: 2: 2
31. Clement Deerings, portlidge Bill, allow^{d},	45: 15: 6
32. [P. 437.] Roger Swaine, for Dyetting Soldjers,	0: 8: 0
33. Allowed to Abraham Remmick more than what he is allow^{d} in the Muster Roll for his wages,	2: 0: 0
	2584: 10: 2

* *Portage* ?—a carrying place over land between navigable waters.

The foregoing Acc^{ts} am^{o} to two thousand five hundred eighty-four pounds, tenn shillings and two pence, allowed by the House of Representatives.

P. order of the House,

May 10th, 1712. Saml Keais, Clerk.

May 10th, 1712. This Returne of the Committee with the allowance of the General Assembly, being read at this Board, was consented to by the Council, who desire the Goverm^{t} to Issue out warrants to the Treasurer for the payment of each person the several Sumes allow^{d} them out of the Treasury accordingly.

Cha. Story, Secretary.

The following vote was sent to this Board, in hæc verba sequen:

The Returne of the Committee in May, 1710, allowed to Major Wm Vaughan two hundred pounds, provided Colonel Partridge make it appeare to the General Assembly that he did not receive that sume for or on Acc^{t} of the said Major Vaughan.

Voted,

That on the Certificate of Colonel Partridge that he hath not Received the [P. 438.] aforesaid sume for Major Vaughan, that the said Major Vaughan shall be paid two hundred pounds out of the first money that comes into the Treasury, after the Debts this day allowed to be Dew are paid.

May 10th, 1712.

P. order of the House,

Sam^{ll} Keais, Clerk.

Read at the Council Board, Eodem die, and consented to by the Council, nemine contradicente.

Cha. Story, Secretary.

[P. 439.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, the 9th day of October, 1712.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Vaughan, Sam^ll Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

Mr Secretary Story was sent as a Message to the House of Representatives to call them to this Board, who accordingly came, and his Excellency was pleased to make the foll. speech, in hæc verba sequen:

Portsm^o, 9th October, 1712.

Gentlemen,—

I am glad to meet you after soe difficult a summer, wherein wee have had soe many Inroads of the enemy, of all sides, by which notwithstanding wee have suffered soe little loss.

I am sensible of the Great Deligence of the officers and faithfull service of the scouts & parties at all times abroad, for which I doubt not of your care in their payment, as well as to lett them know that their service has been very acceptable to the Government.

I cann alsoe assure you that wee are not forgotten at Home; Her Majestie, in Her princely Wisdom and care for Her good subjects in the provinces of North America, has brought forward a peace with France, upon such Honorable and Advantageous Articles that will in all parts of the world, where [P. 440.] Brittaines Dwell, Demonstrate Her Majestie's superior Interest and power in the Goverment and Decision of the Affaires of Europe, which wee are in Expectation to Receive, and will bring us the Blessings of peace which every good man will have the joy of.

Colonel Rednapp, Her Majestie's Engineer, lays before you the Repaire and work at her Maj^ties fort William and Mary, in which I am well assured of his good Husbandry, And think it best that the Committee of those works make their visitt there and Report o you, with Colonel Rednapp, what is Remaining necessary to be done.

Mr. Treasurer will give you the present state of your Debts and what is necessary.

You will bring forward such affairs of the Government as are before you, in which I shall not be wanting to doe my duty to Her Majestie and all Her good subjects within this Goverment.

Adj^{d} till 3 o'clock, post merediem.

Mett accordingly and adj^{d} till to morrow 10 of the clock, ante merediem.

[P. 441.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, the 10th October, 1712.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Peter Coffin, Major Vaughan, } Esqrs. Robert Elliot, Saml Penhallow, } Esqrs.

Theodore Attkinson, Esq., one of the members of the House of Representatives, brought to this Board an answer to his Excellency the Governor's speech, in hæc verba sequen:

Portsm^{o}, October 10th, 1712.

May it please yo'r Excellency,—

Wee are glad to see your Excellency here with the welcome news of an approaching happy peace, and are thankfull to the officers for their faithfull and diligent Attendance on the scouts this summer, and shall take care for their payment soe soon as their Muster Rolls shall be allowed of.

Wee are very well satisfied with Colonel Rednapp's Acc^{t} of his frugally Disposing of the mony for the service of Her Majestie's fort W^{m} and Mary, and shall appointe a Committee of our House to Joyne with that of the Council to view the works and Report what is further necessary to be done.

Wee shall consider of the state of the province and take care to Raise mony to pay the Debts, and shall with all Diligence forward the affairs of the province that are now depending.

By order of the House,

Saml Keais, Clerk.

[P. 442.] The petition of Richard Sleper was read at this Board as upon file; and an answer given to it.

Mr. Treasurer Penhallow's Acc^{t} of powder, stated to the

24th of June, 1712, was delivered to this Board and allowed of as on file.

Adj^{d} till to morrow morning, 10 of the clock.

Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, the 11th day of October, 1712.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.,

Peter Coffin,	Esqrs.	Robert Elliot,	Esqrs.
Wm Vaughan,		Sam^{ll} Penhallow,	
Richd Waldron,		John Plaisted,	
John Wentworth,		Mark Hunking,	

The certificate of Colonel Wm Partridge relating to two hundred pounds allow^{d} Major Wm Vaughan for Agency by the Committee for Auditing the publick Accts., &c., was read at this Board and Approved of, and sent to the House of Representatives, who allowed of the said Certificate.

Ordered that his Excellency be desired to issue forth a warrant to the Treasurer for payment of the said two hundred pounds.

Province of New Hampshire.

These may Certifie whom it may Concerne, that the Two hundred pounds allow^{d} to Major Wm Vaughan of the province [P. 443.] of New Hampshire aforesaid, for Agency, as appears by the Committee's Report, Returne for Auditing the publick Accounts, in May, 1711, was never Received by me of the Goverment of the said province, nor paid by me to the said Major Vaughan,—as wittness my hand the 13th day of August, Anno Domini 1712.

Wm Partridge.

October 11th, 1712.

This Certificate allowed of by the House.

Sam^{ll} Keais, Clerk.

Upon Consideration of the state of the Province, wee finde that Considerable sums will be quickly due.

Voted, That the thousand pounds that is to be paid into the Treasury in December next be Repeated, and that there be an Impression of five hundred pounds in Bills of Creditt by the first of March next, for the payment of such Debts as shall be allowed of by the Committee for Auditing the province Acc^{ts}, and Approved by the General Assembly.

October 12th, 1712.

P. order, Sam^{ll} Keais, Clerk.

Richard Waldron, Sam^{ll} Penhallow, John Plaisted, Mark Hunking, John Wentworth and Geo. Vaughan, or any three of them, are appointed a standing Committee Referring to Her Majestie's Stores of Warr in the Province, and are directed to view and survey all the powder and shott and Arms, Great & Small, and other utensills belonging to the Stores, once [P. 444.] in six months at least, and to weigh the powder and give account thereof and of their survey to the Governour from time to time.

Att a Conference with the Representatives the Governour earnestly Recommended to the Representatives the Establishment of Impost, which was last year Refused, And that the people of the province that are the Terr-tennants might thereby be eased in their taxes.

Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, the 13th October, 1712.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Wm Vaughan,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

Ordered, that the Committee for Inspecting Her Majes-

tie's Stores of Warr, Small Arms, &c., be notified to attend his Excellency the Governour to Her Majestie's fort Wm and Mary, to-morrow morning, to view such stores of warr, small arms, &c., And to see what Repaires is necessary to be done.

Ordered, that Mark Hunking, Esq., be one of the Justices of Her Majestie's Superior Court of Judicature within this Her Majestie's Province, and that a commission be made for him accordingly.

Adjd to Wednesday the 15th Currt, 10 of the clock, ante merediem.

[P. 445.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, the 15th October, 1712.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Wm Vaughan,	Esqrs.	Samll Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

John Wentworth, Esq.

The petition of the Inhabitants of Hampton Falls relating to a school was read, all parties being present.

Determination on back side of the petition.

The several Acts following having been three several times read and passed both Houses, were Consented to by his Excellency, and by him signed accordingly:

An Act for Repeating one thousand pounds.

An Act for making and Emitting a farther sume of Bills of Creditt.

An Act to Impower the Guardians of Mr. John Cutt (Infra etatem*) to sell part of his Estate for Improvement of the Remainder and payment of Debts.

Prorouged to the 11th February next.

* Under age, a minor.

Mett accordingly, and prorouged to the 18th March next.
Mett accordingly, and prorouged to the 15th Aprll next.
Mett accordingly, and adjd to the 17th April following.
Mett accordingly, and Prorouged to the 23d Currt (1).
Mett accordingly, and adjd to the 24 Currt.
Mett accordingly, and Prorouged to the 8th of May next.
Mett accordingly, and adjd to the 9th May Currt.

[P. 446.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, by adjournmt, the 9th day of May, Anno Domini 1713.

Present,

Major Wm Vaughan,	Esqrs.	Samll Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

The returne of the committee for Auditing the publick Accts. of this province was read at this Board, in hæc verba sequen:

(1) [From Journal of the House.]

Copy of a Letter from ye Governor.

BOSTON, 20th Apl., 1713.

Gentlemen,—

Mr. Secretary Story by this Post acquaints me of ye adjournment of ye Assembly to Thirsday, ye 13th Inst. The last session of ye Assembly left a Comittee standing to adjust ye Province debts, which I presume have accordingly proceeded; And if these Accts. be past thro', I then direct the Assembly to sett Thirsday and Fryday, if need be, to agree and pass the Return of ye said Comittee by ye Representatives and ye Council if it can be then finished; and from Fryday evening I do hereby prorogue ye General Assembly to Wed'sday the 13th of May next. Given under my hand,

J. DUDLEY.

Communicate this Letter to ye Representatives.

It will be very pleasing to me that ye Debts of ye Prov. be adjusted, that we may know what we one [own], that a happy Peace may make us Easy.

To Mr. Sec'y Story.

Province of New Hampshire.

Att a Committee appointed for Auditing the publick Accounts of this province, held at Portsmouth, the 19th of November, Anno Domini 1712.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs.
Joseph Smith, Theodore Attkinson, George Jaffrey, } Esqrs.

Cha: Story, Secretary.

Adjd till the 24th Currt.

Mett accordingly, present as before.

No.		Lbs.	s.	d.
1.	Capt. Nicholas Gilman's Muster Roll not allowed.			
2.	Capt. Nicholas Gilman's Muster Roll, allowd .	12:	4:	0
3.	Capt. John Gilman's Muster Roll, not allowd.			
4.	Capt. John Gilman's Muster Roll, allowed .	13:	15:	6
5.	Capt. Wingett's Muster Roll, allowd . . .	13:	9:	7
6.	Major Joseph Smith, Muster Roll, allowd . .	11:	1:	0
7.	Major Joseph Smith, Ditto, allowd . . .	4:	18:	6
8.	Major Joseph Smith, Ditto, allowd . . .	3:	16:	0
9.	Capt. Green's Muster Roll, allowd . . .	2:	5:	6
10.	Insigne Mathews' Muster Roll, allowd . .	2:	14:	4
11.	Major Smith's Muster Roll, allowd . . .	10:	17:	0
12.	Insigne Mathews' Muster Roll, allowd . .	14:	1:	4
13.	Capt. Green's Muster Roll, allowd . . .	5:	0:	0
14.	[P. 447.] Capt. Samll Weeks' ditto, allowd .	5:	16:	0
15.	Capt. Tippetts' Ditto, Referrd to the Assembly.			
16.	Major Smith's Account about postage, allowd .	3:	19:	0
17.	Capt. Gerrish's Muster Roll, Referrd to the Assembly, allowd	5:	16:	8
18.	James Berry, for going post to Newberry, allowd	0:	6:	0

Adjd till to-morrow morning, nine of the clock.

Mett accordingly, present as before.

		lbs.	s.	d.
19.	Capt. Hunkins' account, allowd	3:	10:	9
20.	Capt. John Knights' account, allowd . . .	10:	08:	11
21.	Alexander Miller's account, allowd . . .	7:	16:	00

22. Colonel George Vaughan's Muster Roll, allow^{d} . 24: 18: 10
23. Capt. Hill's Muster Roll, allow^{d} 6: 6: 00
24. Samuel Shackford's Muster Roll, allow^{d} . . 1: 9: 4
25. Serjeant Davis, his Muster Roll, allow^{d} . . 1: 9: 4

Adj^{d} to the 27th curr^{t}, 10 clock, Ante meredicm.

Mett accordingly, present as before.

26. Lieut. Pearces, his muster roll, allow^{d} . . . 5: 3: 00
27. Thomas Pearce's muster roll, allow^{d} . . . 3: 19: 00
28. Elizabeth Harvey's account, allow^{d} . . . 8: 11: 8
29. Elizabeth Harvye, Ditto, allow^{d} 12: 5: 4
30. Capt. Thomas Westbrook's muster roll, allow^{d} . 8: 11: 8

Adj^{d} till to-morrow morning, tenn of the clock.

[P. 448.] Mett accordingly, and present as before.

31. Mr. Treasurer's General Account, allow^{d} to Ballance 32: 16: 8
32. Samuel Weeks' account about Riding post, allow^{d} 0: 14: 00
33. Capt. Richard Hilton's muster roll, allow^{d} . . 8: 14: 4
34. Daniel Greenoe's acct. to be taken out of the 200^{lbs} raised to Repaire the fort, allow^{d} . . . 1: 17: 00
35. Capt. James Davis' muster Roll, allow^{d} . . 275: 18: 11
36. Mr. William Pepperel's acc^{t}, allow^{d} . . . 13: 14: 00

Adj^{d} to the 18th December next, 10 of the Clock, ante meredicm.

Mett accordingly, present as before.

37. Mr. Treasurer Penhallow acc^{t}, allow^{d} . . . 400: 6: 2
38. Mr. Treasurer Penhallow, ditto, allow^{d} . . 130: 7: 1
39. John Searl's account, allow^{d} 2: 1: 3
40. Colonels Waldron's account, allow^{d} . . . 10: 00: 00
41. Mr. Attkinson's account for Building a House for Carriages, &c. 3: 00: 00
42. Colonels Walton's Muster Roll, allow^{d} . . 33: 00: 00

Mett Saturday, the 9th of May, 1713, present as before.

43. Jonathan Thing's Muster Roll, allow^{d} . . 6: 11: 10
44. Jonathan Thing's Muster Roll, allow^{d} . . 4: 00: 00

Province of New Hampshire, 9th May, 1713.

Wee whose names are hereunto subscribed, having perused all the accounts before mentioned, and well considered the same, doe finde justly due to each person the

several sums sett opposite to the names and number of each person's Debenter.

Joseph Smith,	Robert Elliot,
Theodore Attkinson,	John Plaisted,
George Jaffrey,	Mark Hunking.

[P. 449.] Allow^{d} Capt. Timothy Gerrish his muster roll N° (17), ... 5lbs. 16s. 8d.

The House of Representatives allow of the returne of the committee as within, Excepting six pounds in Colonel Vaughan's muster Roll, as the committee have minuted in N° 22; wee alsoe allow Capt. Timothy Gerrish as wee have added, — 5 : 16 : 8, — His muster roll.

9th May, 1713.

Passed by the House.

Geo. Jaffrey, Clerk pro tempore.

9th May, 1713.

The Council Concurrs with the vote of the House of Representatives above mentioned, nemine contradicente.

Cha: Story, Secretary.

Prorouged to the 13th of May curr^{t}, 10 o'clock, ante merediem (1).

Mett accordingly, and Pursuant to his Excellency's the Gov^{s} Letter the General Assembly was prorogued to the 18th of June next, 10 o'clock ante merediem.

Mett accordingly, and pursuant to the Gov^{rs} Letter the assembly were againe prorogued to the 25th June currant.

(1) [From Journal of the House.]

Copy of ye Govern's Letter.

Boston, May 4th, 1713.

Gentlemen, — I sometime since Directed ye Assembly of ye Prov. of New Hampshr to meet to pass ye Accts. of ye Debts of ye Prov: prepared by their Comittee, which being not yet done, I do again allow them to sit a Fryday ye eighth Inst. to Doe and pass thro' that affair in Fryday and Saturday, ye Prorogation notwithstanding, that at my comeing ye week after, I may have the less interruption in ye general affairs of ye Peac. with ye Indians, which I hope may come forward, and accordingly with your agreement, Mr. Sec'y may Sumon the Assembly upon ye said Fryday next, and after passing ye Accounts, ye Prorogation lately directed, to continue.

I am your Humbl Servant,

J. DUDLEY.

To ye Gentlemen her Majties Council in N. Hampshr.

Mett accordingly, and pursuant to the Gov^{rs} letter the Gen^{ll} Assembly were prorogued to the 8th day of July next, 10 o'clock ante merediem.

Mett accordingly, and adj^{d} till to-morrow morning, nine of the clock, ante merediem.

Mett accordingly, and adjourn^{d} to the 10th curr^{t}.

Mett accordingly and prorogued to the 13th curr^{t}.

[P. 450.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, the 13th July, 1713.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Major Wm Vaughan, Sam^{ll} Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

His Excellency made the following speech, in hæc verba sequen:

Gentlemen, (1)—

I have delayed your comeing together until I might have the honor and satisfaction to give you the news of a happy and well established peace brought to pass by her Majestie's wise Council and prosperous arms, of which wee have already the assurance, and daily expect Her Majestie's comands to make it publick.

And in Pursuance thereof I have now attending me several of the Indian sachems and Delegates, making their Submission and praying to be restored to Her Majestie's favour and the friendshipp of Her Majestie's Goverment of these provinces; the Issue of their attendance I shall communicate to you.

(1) *Members of the House.*

July 13th.

Mr. Speaker,	Mr. Tilton,
Mr. Jaffrey,	Capt. Gilman,
Mr. Jones,	Mr. Keis,
Mr. Rendall,	Majr. Smith,
Mr. Martin,	Mr. Atkinson.

July 14th. Mr. Saml. Thing was qualifyed a member of ye House in ye Room of Theophilus Dudley, Esq., of Exeter, deceased.

Sometime since there was a Comittee of the Council and Representatives, to Revise the Laws of the province now in force, and to make a faire copy of them, and to offer such other Laws as might be necessary in order to these being humbly submitted to Her Majestie; and the Review and report of the Right Honourable the Lords of the Plantations; I desire this Report may be now taken and wee may proceed therein accordingly.

I must again with all Earnestness recommend to you ye Revival of the Impost and better Government & collection of the Excise; there is noe Colony or Governm^t belonging to the Crown of Great Brittaine, that pretends to an open port, or that doe not bring in the Trade & merchandize of their province to aid the Land tax, for the payment of the heavy charges [P. 451.] of the warr, which is as needfull in this province as in any other Her Majesties Goverments, the neglect and inequality whereof will, I fear, justly offend Her Majestie, as well as disturb the other Goverments on the Shoar of America.

I suppose you will think it a proper time for the Assembly most humbly to address Her Maj^tie upon the notice of the peace, in which I shall heartily joyne with you.

The Treasurer will give you the state of his office and what is wanting; whatever is before you for the benefit of the province of Her Majties service I shall put forward, as is my Duty.

J. DUDLEY.

Ordered, that Richard Waldron and John Plaisted, Esq., be a Committee from this Board to joyne with a Committee of the House of Representatives for drawing upp a Humble address to Her Most Gratious Majestie, in Consideration of the Happy peace, &c.

Adj^d till the morrow, tenn of the clock ante merediem.

[P. 452.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth the 14th day of July, Anno Domini 1713.

Present,

His Excellency Joseph Dudley, Esq., Governr, &c.,

Major Vaughan,	Esqrs.	Samll Penhallow,	Esqrs.
Peter Coffin,		John Plaisted,	
Nathl Wear,		Mark Hunking,	

John Wentworth, Esq.

Ordered, that Richd Waldron and John Wentworth, Esqs., and the Reverend Nathnll Rogers be a Committee to take care of procuring a school Mar for the Town of portsmouth forthwith, to serve according to the Act of the General Assembly, already past; And to Agree with him according to the Establishment in the said Act mentioned, and to make Report at the next sitting of the Governr and Council.

The Assembly's answer to His Excellency's speech, in hæc verba sequen:

Wee are glad to see yor Excellency Here with the welcome news of peace.

Hope your Excellency will take such measures with the Sachems now attending you, that our frontiers may be quietly settled without any danger.

Wee have several Laws before us, Returned by the Committee appointed for Revising them, under consideration; alsoe how to finde a proper way for Raising money on the Trading part of the Government to Ease the Land Tax thereof.

[P. 453.] Wee are Humbly of opinion that an address may be proper after a proclamation of peace, (1) but shall observe your Excellency's directions therein, and shall al-

(1) [From Journal of the House.]

July 14th. Voted, That Theodore Atkison, Esq., & George Jaffrey be a Committee to Joyne with ye Committee of ye Upper House to draw up a Congratulatory Address to ye Queen upon ye news of the Peace.

ways endeavour to observe our Duty as Loyal Subjects to Her Majestie.

Voted July 14th, 1713.

Samll Keais, Clerk.

Ordered, that Mr. Treasurer Penhallow take care to provide for the Gentlemen Commrs that are appointed by his Excellency out of the Goverment of the Massachusetts and this province, who are going to Cascoe fort to the Eastward to publish the Articles of Ratification of peace with the Indians, with all such provisions, wines, Liquors, and other necessaryes as may be proper, and that the Treasurer keep a just and true account of the same in order to be laid before his Excellency and General Assembly in the Massachusetts Government, that they may justly pay their proportion to the charge thereof.

Adjd till ten of the clock to-morrow, ante meredíem.

[P. 454.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth on Wednesday, the 15th July, Anno Domini 1713.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Peter Coffin,	Esqrs.	Richard Waldron,	Esqrs.
Wm Vaughan,		Jno Plaisted,	
Nathll Wear,		Mark Hunking,	
Robert Elliot,			

A Bill relating to a Trade with the Indians was sent Down to the House of Representatives.

The Articles of Pacification with the Indians was sent by his Excellency the Governrs Order to the House of Representatives to be their Read and Communicated to them by Mr. Secretary Story, which accordingly was done, and the House of Representatives were all well satisfied with the said Articles and returned his Excellency thanks for the same.

*Articles of Pacification.

[Copied from Penhallow's Indian Wars, 18mo., 1726.]

"Whereas for some years last past, we have made a breach of our Fidelity and Loyalty to the Crown of Great Britain, and have made open Rebellion against her Majesty's subjects, the English, inhabiting the Massachusetts, New Hampshire and other her Majesty's Territories in New England; and being now sensible of the miseries which we and our People are reduced unto thereby:

"We, whose names are hereunto subscribed, being delegates of all the Indians belonging to Norridgwalk, Narahamegock, Amasecontee, Pigwacket, Penacook, Rivers of St. Johns and Merrimack, parts of her Majesty's Provinces of the Massachusetts Bay and New Hampshire, within her Majesty's Sovereignty, having made application to his Excellency Joseph Dudley, Esq., Captain-General and Governour-in-Chief in and over the said Provinces, that the troubles which we have unhappily rais'd Or Occasioned Against her Majesty's subjects, the English, and our selves may cease and have an end; and that we may again enjoy her Majesty's grace and favour: And each of us respectively for ourselves, and in the names and with the free consent of all the Indians belonging to the several places and rivers aforesaid, and all other Indians within the said Provinces of the Massachusetts Bay and New Hampshire hereby Acknowledging ourselves the lawful subjects of our Sovereign Lady Queen Anne, and promising our hearty submission and Obedience to the Crown of Great Britain, do solemnly Covenant, Promise and Agree with the said Joseph Dudley, Governour, and all such as shall be hereafter in the place of Captain-General and Governour-in-Chief of the said Provinces and Territories on her Majestie's behalf, in form following: *That is to say*, — That at all times forever, from and after the date of these presents, we will cease and forbear all Acts of Hostility towards all the subjects of Great Britain, and not offer the least hurt or violence to them or any of them in their persons and estates; but will henceforth hold and maintain a firm and constant Amity and Friendship with all the English, and will never entertain any treasonable conspiracy with any other Nation to their disturbance: That her Majesty's subjects, the English, shall and may quietly and peaceably enter upon, improve and forever enjoy all and singular, the Rights of Land and former Settlements, Properties and Possessions within the Eastern parts of said Provinces of Massachusetts Bay and New Hampshire, together with the Islands, Inlets, Shores, Beaches, and Fishery within the same, without any molestation or claim by us or any other Indians; and be in no wise molested or disturbed therein; saving unto the Indians their own Ground, and free liberty of hunting, fishing, fowling, and all other lawful liberties and priviledges, as on the eleventh day of August, in the year of our Lord, One thousand six hundred and ninety-three: That for mutual safety and benefit, all trade and Commerce which here after may be allowed betwixt the English and the Indians, shall be Only in such Places, and under such management

*[See Prov. Records, Vol. II, p. 656.]

and regulation as shall be stated by her Majesty's Government of the said Provinces respectively.

"And to prevent mischiefe and inconveniences, the Indians shall not be allowed for the present, or until they have liberty from the respective Governments, to come near unto any English Plantations or settlements on this side of Saco river.

"That if any controversy or difference happen hereafter, to and betwixt any of the English and the Indians for any real or supposed wrong or injury done on the one side or the other, no private Revenge shall be taken by the Indians for the same, but proper application shall be made to her Majesty's Governments upon the place for remedy thereof in due course of Justice; We hereby submitting ourselves to be ruled and governed by her Majesty's Laws, and desire to have the protection and benefit of the same.

"We confess that we have, contrary to all Faith and Justice, broken our Articles with Sir William Phips, Governor in the the year of our Lord God 1693, and with the Earl of Bellomont in the year 1699.

"And the assurance we gave to his Excellency Joseph Dudley, Esq., in the year of our Lord God, 1702, in the month of August, and 1703 in the month of July, notwithstanding we have been well treated by the said Governors; but we resolve for the future not to be drawn into any perfidious Treaty or correspondence to the hurt of any of her Majesty's subjects of the Crown of Great Britain; And if we know any such, we will seasonably reveal it to the English.

"Wherefore, we whose Names are hereunto subscribed, delegates to the several Tribes of Indians belonging to the river of Kennebeck, Ameriscoggin, St. Johns, Saco, Merrimack, and the parts adjacent, being sensible of our great Offence and folly in not complying with the aforesaid Submission and Agreements, and also the sufferings and Mischiefs that we have thereby exposed ourselves unto, do in all humble and submissive manner, Cast ourselves upon her Majesty for mercy, and pardon for all our past Rebellions, hostilities and violations of our Promises; praying to be received unto her Majesty's grace and favour.

"And for and on behalf of ourselves, and all other the Indians belonging to the several Rivers and places aforesaid, within the Sovereignty of her Majesty of Great Britain, do again acknowledge and confess our hearty and sincere Obedience unto the Crown of Great Britain, and do solemnly renew and confirm all and every of the Articles and Agreements contained in the former and present Submission.

"This Treaty to be humbly laid before her Majesty for her Ratification and further Order.

"In Witness whereof, we the Delegates aforesaid, by name *Kizebenuit*, *Iteansis* and *Jackoid* for Penobscot; *Joseph* and *Æneas* for St. Johns; *Warrueensit*, *Wadacanaquin* and *Bombazeen*

for Kennebeck, have hereunto set our hands and seals this 13th day of July, 1713.

Signed, sealed and delivered in the presence of us.

Edmund Quinsey,
Spencer Phips,
Wm. Dudley,
Shad. Walton,
Josiah Willard,
&c.

Signum Kirebenuit.

Signum Warraeensitt.

Signum Bomazeen.

Signum Wadacanaquin.

Signum Æneas.

Signum Iteansis.

Signum Jackoid.

Signum Joseph.

Province of New Hampshire.

The Submission & Pacification of the Eastern Indians was made and done the thirteenth Day of July, 1713, Annoque Regni Reginæ nunc Magnæ Britaniæ duodecimo.

Present,—his Excellency JOSEPH DUDLEY, Esq., Captain-General and Governour-in-Chief, in and over her Majesty's Provinces of Massachusetts Bay and New Hampshire, in New England, and Vice Admiral of the same.

Counsellors of the Massachusetts, & of New Hampshire.

Samuel Sewall,	Esqrs.	Will. Vaughan,	Esqrs.
Jonathan Corwin,		Peter Coffin,	
Penn Townsend,		Robert Elliott,	
John Appleton,		Nathan. Wear,	
John Higginson,		Sam. Penhallow,	
Andrew Belcher,		John Plaisted,	
Thomas Noyes,		Mark Hunking,	
Samuel Appleton,		John Wentworth,	
Ichabod Plaisted,			
John Wheelwright,			
Benjamin Lynde,			

Penhallow says: "For a further Ratification of this Treaty, several Gentlemen of both Governments went from Portsmouth to Casco, where a great Body of Indians were assembled, to know the Result of matters. It being a Custom among them on all such occasions, to have the whole of their Tribes present; having no other Record of conveying to posterity, but what they communicate from father to son, and so to the son's son. When the several Articles were read and explained by Interpreters, upon Oath, (the Delegates being present) they signified an unanimous consent and satisfaction, by loud Huzzas and Acclamations of joy: Many presents were then made them, which were thankfully received, and every Tribe had their proportion given out; but they were so disorderly, that Mauxis (altho' he was the chief Sagamore in all the Eastern parts) was robbed, by the morning, of all he had; upon which he made a miserable complaint unto the English next day, of the unruliness of his young men, who had stolen away all he had, therefore begged a new supply. But altho' their Government is so Anarchical, and their chiefs have so little respect and honour shewn them, yet in their Council they observe a very excellent decorum; not suffering any to speak but one at a time; which is deliver'd with such a remarkable pathos and surprizing gravity, that there is neither smile nor whisper to be observed, until he that speaks has finished his discourse, who then sits down, and after that another riseth up."

The Cause formerly depending between Mr. Dan[ll] Rogers, of Ipswich, and the freehold[rs] Commoners, of Hampton, be continued till the next sessions of His Excellency the Govern[r] and Council.

Adj[d] till to-morrow morning, tenn of the clock, ante meridiem.

[P. 455.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth on Thursday, the 16th of July, Anno Domini 1713.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Peter Coffin,	Esqs.	Richard Waldron,	Esqs.
Wm Vaughan,		John Plaisted,	
Nathll Wear,		Mark Hunking,	
Robert Elliot,		Samll Penhallow,	

The following address to Her Majestie having been Read at this Board and agreed upon by the Council, was sent to the House of Representatives for their concurrence, who readily complyed therewith:

To the Queen's Most Excellent Majestie:

The Humble Address of Her Majestie' Council, and Representatives of Her Majestie's province of New Hampshire, convend in General Assembly,

Most Humbly Sheweth,—

That whereas for many years past we have suffered to the Greatest Extremity by a Continual Warr and more particularly by the Barbarous usage and unheard of cruelties of our Rebellious neighbours the Indians, notwithstanding which with the expence of much of our Blood & Treasure wee have hitherto preserved and Defended this your Majestie's province against all opposers, being always confident that the Reiterated successes of your Majestie's Glorious Arms in Europe, would by your Majestie's wise Councils & steady conduct produce at last an Honourable & a lasting peace; and wee now with Grateful Hearts congratulate [P. 456.] your Majestie thereupon, for that this peace effects the Remotest parts of yor Majestie's Dominions, and wee already Taste the good fruits and effects thereof, in that the Rebellious Indians are Reduced to their obedience; Your Majestie's Governour here by his good Conduct in this as in all other the affairs of the Goverment has brought them to an entire submission to your Majestie and agreement to Articles of pacification, which now gives us a fair prospect of sitting under our vines and figg Trees and none to make us afraid.

And since nothing cann add more to the Glories of your Majes-

tie's Reign than this last instance of your great care and concern of the Repose (not only of your Majestie's subjects but that) of all christendom, in bringing about soe happy a peace through soe many insuperable Difficulties, it remains wee daily pray to almighty God that your Majestie's life and Reign may be long and prosperous in this world, and that your Majestie may, in the world to come, for ever enjoy the blessing to which peace makers are entitled.

Portsm° in New Hamp^r
in New England, the 16th
of July, 1713.

16th July, 1713. past by the Council and sent down to the House of Representatives for concurrence.

Cha. Story, Secretary.

Signed in p'sence and by
order of the House of Representatives.
Richard Gerrish,
Speaker.

Wee are your Majestie's Most Loyal and Dutiful subjects, the Council & Assembly of your Majtie's province of New Hampshire.

Signed in presence and by order of the Council.

Cha: Story, Secretary.

[P. 457.] Province of the Massachusetts Bay. Anno Regni Annæ Reginæ Dudecimo.*

Att a session of the Great and General Court or Assembly begun and held at Boston upon Wednesday, the 27th May, 1713.

June 3^d, 1713. The following order past in Council Agreed to by the House of Representatives, viz:

For quieting the present Disputes betwixt the Borderers upon the Bound Line of this province and the province of New Hampshire, and the demand of Taxes from them by the Goverments of the provinces aforesaid,

* In the twelfth year of the reign of Queen Anne.

Ordered, That John Appleton, John Higginson & Thomas Noyes, Esqs., be comm^{rs} on the part of this Goverment with such as shall be appointed by the Goverment of New Hampshire, to goe upon the place & to agree upon such families and persons by name, who shall be considered as present Inhabitants and pay taxes within the said Respective Goverments, untill the Bound Line betwixt them be Orderly and Regularly stated and settled;

That Her Majestie's Subjects be not oppressed by paying of Double taxes.

Isaac Addington, Secretary.

Voted, That John Plaisted, Mark Hunking and John Wentworth be a committee for this province to joyne with a committee appointed by the Gen^{ll} Assembly of the Massachusetts as in the paper (above) annexed, to goe upon the Boarders of the provinces of Massachusetts and New Hampshire, between Hampton and Salisbury, and there view the families, persons and ratable estates and to agree to which Town each shall pay their publick Taxes until the Bound Line be Regularly stated and settled or further order taken therein.

16th July, 1713. Past by the Council.

Cha: Story, Secretary.

[P. 485.] Concurred by the House of Representatives, with an addition that the same committee pass the Line alsoe between Kingstown and Amesbury and Haverel.

Sam^{ll} Keais, Clerk.

The following petition of the Inhabitants of Bloody point was read at this Board, in hæc verba sequen:

To His Excellency Joseph Dudley, Esq., Captn General and Govern^{r} in Chief in and over Her Majestie's provinces of the Massachusetts Bay, New Hampshire, &c., and the House of Representatives now in General Assembly Conven^{d}.

The petition of the Inhabitants of Bloody point within the Limitts of the Townshipp of Dover, with some few of the out skirts of Portsmouth, most humbly sheweth,—

That yor petition^{rs} living soe remote from the publick worship and under great Inconveniences to attend the same, have of late erected a meeting House and obtained a tract of sixty Acres of Land for the accommodation of a minister among them with a firm resolution (by the Divine assistance) of giving him an Honorable maintenance to the utmost of their abilitie.

But the taxes demanded of us from whence wee doe belong doe Render us under soe insuperable a difficulty of doing as otherwise wee could wish.

Wherefore most humbly pray that your Excellency (who hitherto has distinguished your self from others in promoting the publick worship of God) would please soe to Order that wee your petitioners by maintaining the minister, school and poor among [P. 459.] our selves may be exempted from all other charges save only the province tax and tax of the Assembly.

All which wee humbly conceive to be most reasonable; and whereas nothing now is wanting to effect the same but your Excellency's concurrence, we most humbly crave that your Excellency will grant our request herein and yor petition^{rs} shall pray as in duty bound, &c.

Geo. Huntris,
Jno Dam,
Joseph Richards,
Joseph Rawlings,
Richd Downing,
Jethro Bickford,
Thomas Bickford,
Sam^{ll} Huntris,
John Hogsden,
Henry Lanster,
John Downing,
Tho. Trickey,
Andrew Peters,
Jno Warenfol,
Jno Rawlings,
Wm Whilam,
Clemet Misharvye,
Alex^{r} Hogsden,
Wm Shackford,
Richd Pumery,
John Hueson,
Abel Pearce,
Wm Hoit,
Sam^{ll} Rawlins,
Sam^{ll} Tomson,
Wm Furber,
Clemet Misharvye,
John Fabyan,
Nathan Knight,
Jno Pickering, *tertius*,
Benj. Richards,
John Knight,
John Downing,
John Knight,
John Bickford,
Hate Evil Nutter,
James Rawlins,
Moses Damm,
Henry Nute,
Tho. Leighton,
Joshua Crocket,
John Nutter,
Tho. Row,
Jno Quent,

Edward Pearce,
John Trickey,
John Carter,
Benj^a Bickford,
Edward Row,
James Gray,
Henry Bennet,
Richard Nason,
Tho. Downs.

15th July, 1713.

In Council Read, and the good intention of the petitioners is approved, and ordered that the select men of Dover be notified to appear by nine o'clock to-morrow in the forenoon at the Council Board.

Cha: Story, Secretary.

16th July, 1713. Upon hearing of the select men of Dover, and the parties to the petition,

Ordered, that the petition be granted and the place made a parish by themselves, they forthwith establishing an able orthodox and Learned Minister amongst them, and that they be thenceforth acquitted from the support of the Ministry of Dover and Portsm^o.

And upon Representation of the great alteration that this Grant makes in the [P. 460.] Town of Dover, and that there is a new meeting House built at Cochecho, much nearer the center of the remaining Inhabitants of the said Town,

Ordered, that the select men of Dover give reasonable notice to the Town to choose proper persons to attend the next session of the General Assembly, to show cause why that House at Cochecho may not be the place of publick worship for the future, or any other consideration thereupon.

Voted in Council and sent down to the House of Representatives for Concurrence.

Cha: Story, Secretary.

16th July, 1713. Concurr^d with the Council. By order of the House of Representatives.

Sam^ll Keais Clerk.

Colonel Thomas Packer, his aco^ts am^o to eleven pounds

for Rent for the Court House, Council Chamber, and fire and candles to March last, was allowed in Council and upon file.

The following vote was sent upp from the House of Representatives, viz.:

May it please your Excellency,—

Mr. Treasurer's memorial is before us, by which wee finde omitted giving C^{r} for sundryes left at Annapolis Royal, and in his own hand, but wee find therein the province is in Debt, which we considered, and debated many ways to pay the same, that soe in December next wee might pay what is due, not knowing the same, and hoping by that time there may be a way found for paym^{t} of the Debts then due.

Voted that the Excise be continued for one year.

Past the House of Representatives the 16th July, 1713.

Sam^{ll} Keais, Clerk.

[P. 461.] Mr. Treasurer's Acc^{ts} of powder and other stores of warr to the 24th June, 1713, was delivered into this Board, as upon file.

Ordered, that Doctor Olliver Noyes, of Boston, be paid out of the publick Treasury of this province nine pounds eleven shillings and one penny, for disbursements on three Captives from Albany belonging to this province.

Ordered, that Mr Campbell, post Ma^{r} General, be paid six pounds out of the publick Treasury, for his care in Expressing Letters & for Her Maj^{ties} service, and in sending the Govern^{rs} Letters to Roxbury, &c.

Province of New Hamph.

Att a Committee for Auditing the publick accounts of the province, held at Portsmouth, the 8th of June, 1713.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs. Joseph Smith, Theodore Attkinson, Mr George Jaffrey, } Esqrs.

	lbs.	s.	d
1. Colonel Thomas Packer, allowd	6:	0:	0
2. Thomas Phipps, Esq., allowd	10:	0:	0
3. Joseph Smith, Esq., allowd for Expresses . .	13:	0:	0
4. Mr. Secretary Story, allowd	45:	0:	0
5. Mr. Treasurer Penhallow, accts allowd . .	66:	19:	0
6. Mr fellows Accts, allowd	9:	9:	8
7. Colonel Walton's accts, allowd	154:	0:	0
	304:	8:	8

Province of New Hampshire.

Wee whose names are hereunto subscribed, having perused all the accounts before mentioned, and well considered the same, doe finde justly due to each person the several sums sett opposite to the names and number of each person's Debenter.

Joseph Smith, John Plaisted,
Theodore Attkinson, Mark Hunking.
Geo. Jaffrey,

[P. 462.] In Council.

The returne of the Committee for Auditing the publick accounts of this province hereunto annexed, Amo to three hundred and four pounds eight shillings & eight pence, is allowed and approved of, and sent Down to the Assembly for their concurrence.

Cha: Story, Secretary.

16th July, 1713.

Concurrd with the Council.

Samll Keais, Clerk.

[P. 463.] Province of New Hampsh.

Att a Council and General Assembly held at Portsmouth by prorogation, on Wednesday, the fifth day of May, Anno Domini 1714.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Richard Waldron, Robert Elliot, Nath[l] Wear, } Esqrs. Sam[ll] Penhallow, John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

Gentlemen:—

There are eighteen months past since the Committee of the Council and Representatives have set to draw up the state of the Local Laws and orders in force in the province; I desire they may be directed to make the returne of their proceedings, that further provisions may be made where any defect is, to put forward Her Majestie's Service and the good Goverment of the province.

The Gentlemen of the Representatives are sensible that the last year's tax and what is else provided for the four years next coming, is what is necessary to draw in the Bills of Credit and thereby to discharge the province debts and noe more; soe that there is noe provision made for the Annual charge of the Goverment; The fort and other contingent charges, since the abatement of the Impost, which I recommend again to your Consideration that it be forthwith laid and the Excise formed, or otherwise disposed, so as it may be a service to the province and assist in Case of the Land tax as it is always intended.

I have lately intelligence from the Gentlemen sent to Canada for the releife and returne of the prisoners there, and am now determined to send a shipp to Quebeck to receive them; wherein yo[r] prisoners will demand yo[r] proportion of charges, and I think it best that a gentleman of yo[r] province be there to assist the negotiation which otherwise may be intangled and ineffectual; you will alsoe Consider and represent to me [P. 464.] what share of the Trade with the Indians you Judge proper to hold for their supply, and prevention of their dependance upon the French while they live upon English Ground.

You will lastly determine whether there be any provision by

way of Repetition to be made to the Treasury for the currant Charge, in which as in Every thing relating to the benefit of the province, nothing shall be wanting for Her Majestie's service on my part.

J. DUDLEY.

Voted,

That Kingstown be Impowered to send a Representative to sitt in the General Assembly, and that notice be forthwith sent them accordingly, by Order of the House of Representatives.

Sam^{ll} Keais, Clerk.

5th May, 1714.

Consented to by the Council,

Cha: Story, Secretary.

Adj^{d} till to-morrow morning 10 of the clock.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth, by adjournm^{t}, on Thursday, the sixth day of May, 1714, by adj^{t}.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

Richard Waldron, Robert Elliot, Nath^{ll} Wear, } Esqrs. Sam^{ll} Penhallow, John Plaisted, Mark Hunkin, } Esqrs.

John Wentworth, Esq.

The petition of Garsham Elkins, Complaining ag^{t} Justice Nathaniel Wear, for Issuing out illegal processes against him about a tax, &c., was read at this Board, and upon file.

Mr. Justice Wear being heard upon the said Complaint, the Council doe order [P. 465.] that the processes against Elkins for the tax mentioned in the within petition be null and voyde, and the proceedings thereupon, for that the warrant for collecting taxes of that nature to the constable or

collector of the Towns, Impowers him to make distress without any other processes.

Cha. Story, Secretary.

Adj^{d} till to-morrow morning, 10 of the clock in forenoon.

Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, on Friday, the seventh day of May, Anno Domini 1714, by adj^{t}.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Richard Waldron,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nath^{ll} Wear,		Mark Hunkin,	

John Wentworth, Esq.

Upon the motion of Mr. Daniel Rogers' Council in a case of an appeal from Her Majesties Superior Court of Judicature of this province, held at Portsmouth, the——day of ——wherein the said Daniel Rogers was Appellant and ——— ——— ——— of Hampton Appellees, the matter having been so long depending, and not yet heard at this Board:

Ordered that the cause be dismist at this Board and the appellant referr^{d} back to the common Law to take his remedy by Review or otherwise.

Adj^{d} till to-morrow morning, 10 of the clock, ante meredicm.

[P. 466.] Province of New Hampshire.

At a Council and General Assembly held at Portsmouth by adjournm[t], on Saturday, the eighth day of May, Anno Domini 1714.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Richard Waldron,	Esqrs.	Sam[ll] Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nath[ll] Wear,		Mark Hunkin,	

John Wentworth, Esq.

The following petition was read at this Board in hæc verba sequen:

To His Excellency, Joseph Dudley, Esq., Govern[r] of Her Majestie's province of New Hampshire, and the Honorable, Her Majestie's Council, now sitting in Council at Portsmouth, the eight day of May, 1714.

The humble petition of Thomas Waldon, master of the Sloop Douglas, Sheweth, —

That being bound from Barbadoes to Newfound Land, in the said Sloop, having on Board about three thousand Gallons of Rum, for account of Mr. Hugh Hayward, Chiefe owner of the said sloop, mett with a disaster by a storm at sea, and was forced to put into this port and cannot proceed; and since the commencement of this voyage the said owner is dead, and your petitioner being under age,

Humbly prays your Excellency that some care may be taken for the securing of the said sloop, and that Her Lading may be Landed for the proper owner thereof, and to save any Imbezelment or loss of the said estate, and that Her Lading may be sold, being a perishing comodity, and what further your Excellency shall see cause to direct in the premises: And your petitioner shall pray, &c.

Thomas Waldon.

In Council.

Upon reading this day the above petition, Ordered that the judge of the Admiralty appointe two Merchants of this port of the best Reputation and Trade, and direct them to assist the master in securing the said sloop and cargoe for the proper [P. 467.] owners thereof; And that the said Judge of the admiralty by the first opportunity, give orders

at Nevis and alsoe at Bristol, in the Kingdom of Great Brittaine, where the said Hayward Lived, that those that are concerned may look after and take care of their interests.

Consented to by the Council.

Cha. Story, Secretary.

Portsmouth in New Hampshire, 8th May, 1714.

Being Informed that the Sloop Douglas, Thomas Waldon Master, having on Board about three thousand Gallons of Rum for account of Mr. Hugh Hayward, Cheife owner of the said Sloop, and being bound to Newfoundland, meeting with a disaster by a storm at Sea, was necesitated to put into this port and cannot proceed; and alsoe advised that since the commencement of his voyage his said owner is dead, and the said Master Thomas Waldon, alsoe being under age, as is sett forth by his petition, on file of this date:—

To save the Embezelment or loss of the estate, you are hereby directed to assist him by your officers or others Merchants of Reputation and estate, to secure the said sloop, and Land the Lading for the proper Owner thereof, and forthwith, by the first opportunity, to give notice at Nevis, and alsoe at Bristol, in the Kingdom of Great Brittaine, where the said Hayward Lived, that those that are concerned may look after, and take care of their interest.

Given under my hand, In Council,

J. Dudley.

To Cha. Story, Deputy Judge of the Admiraltys in the province of New Hampshire.

By the Governm Command in Council.

Cha. Story, Secretary.

Adjd to Monday, the 10th Currt, 10 of the Clock, ante merediem.

[P. 468.] Upon reading the petition of Thomas Packer, Richard Wybird, George Marshal and others, and upon reading the petition of John Pickering and Wm Cotton, as upon file:

Petition about the Meeting House. } Ordered, that the Secretary notifie the select men of Portsmouth, and the said Pickering and Cotton, to attend at this Board on Tuesday next, tenn of the clock in the forenoon, to have a hearing of the said petitions, and copyes of each petition be delivered to each contrary par-

ties that they may the better be prepared for such Hearing.

Ordered, that the Treasurer furnish Escumbuit, an Indian Capt., and the other Indians (who came to Consult his Excellency the Governour), with necessary provisions and Liquors to carry them to their Several Habitations, and that Peter Cloyce, another Indian Captaine, be presented with a pair of shooes.

Adj^{d} to Monday, 4 o'clock, post merediem.

Mett according to adjournment.

Present,

His Excellency the Governour,

Richard Waldron,	Esqrs.	Samuel Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nath^{ll} Wear,		Mark Hunking,	

John Wentworth, Esq.

Adj^{d} till to-morrow morning, 10 of the clock, ante merediem.

[P. 469.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth by adjournment, on Tuesday, the eleventh day of May, Anno Domini 1714.

Present,

His Excellency Joseph Dudley, Esq., Governour,

Richard Waldron,	Esqrs.	Samuel Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Nath^{ll} Wear,		Mark Hunking,	

John Wentworth, Esq.

The following vote was sent upp from the House of Representatives, in hæc verba sequen: New Hampsh. Sclt.

Portsmouth, 11th May, 1714.

By the Council and Representatives: —

Upon the hearing of all parties referring to the meeting

Houses of this Town, and having seen and considered the Grants, agreements and votes of the said Town of Portsmouth, referring to the settlements of the Reverend Mr. Rogers, the present minister of the said Town or parish,—Voted, that the said Mr. Rogers be established the minister of the said Town, and be confirmed in the possession of the Gleeb Land or Parsonage Lands according to the agreement with the Town.

It is further Ordered and directed that his sallary or maintenance be raised by the select men from the Inhabitants and paid him from time to time as heretofore; And further, considering of the great increase of the Inhabitants of the said Town of Portsm°, that there be two ministers and two meeting Houses maintained in the said Town; and that the two meeting Houses now in being are the Houses & places directed and agreed upon, and to be finished & repaired at the Expence of the whole Town.

That Mr. Rogers and his maintenance be Established as above provided.

That the other meeting House,* at the Mill Damm, shall be named and chosen by an Assembly of all the freeholders in the [P. 470.] said Town, and have his sallary & parsonage House provided and maintained at the charge of the said Town.

And whereas Mr. John Emmerson has served in the congregation at the meeting House near the Mill Damm for some time past, there be made him at his departure a present of fifty pounds, with thanks for his service there, the

* An obvious defect in the record. Perhaps it should read, That the [Minister of the] other Meeting-House, &c.—Ed.

said fifty pounds to be paid out of the Town Treasury and to be raised at the next Town tax.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Past by the Council.

Cha: Story, Secretary.

I consent to the orders above.

J. DUDLEY.

The following vote was omitted in entering the Eleventh day of May, as before in the last minutes.

Voted, that Each of the parishes have power within themselves to tax and assess their several Inhabitants to their parish charges, and that they choose three persons Annually to make such tax and assessment and collect the same by a warrant from a Justice of the peace in the forme and manner as other taxes are thereby collected; and the province tax from time to time to Her Majestie remains to be taxed by the Towns of Dover and Portsmouth as heretofore.

May the 11th, 1714. Past by the House,

Sam^{ll} Keais, Clerk.

11th May, 1714. Consented to by the Council,

Cha: Story, Secretary.

[P. 471.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, by adjournm^{t}, on Wednesday, the twelfth day of May, Anno Domini 1714.

Present,

His Excellency Joseph Dudley, Esq., Governor,

Richard Waldron, Robert Elliot, Nathl Wear, } Esqrs. Samuel Penhallow, John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

The following vote was sent up from the House of Representatives, in hæc verba sequen:

Voted, that Mr Speaker Gerrish and George Jaffrey be a committee to joyne with Capt. Samuel Weeks and Mr Jno Downing to ascertain the Limits of the parishes of Greenland and Bloody Point.

May 12th, 1714. past by the House.

Samll Keais, Clerk.

Eodem die.

Read in Council. Colonel Waldron and Capt. Hunking added as a Committee at this Board to joyne with the above Comittee.

Cha: Story, Secretary.

In answer to the petition of the Inhabitants of Bloody Point and the petitioners of the Inhabitants of Greenland,—

Ordered, that Colonel Waldron, Mark Hunking, Esqrs., Mr. Speaker Gerrish, Mr. George Jaffrey, Mr. John Downing and Mr. Samuel Weeks, be commissioners appointed to ascertaine the Limits of the said Parishes whereby the Constables in either place may know how to collect the province tax for the use of Her Majestie's Goverment of the Inhabitants, and that both parishes be from this time forward discharged from being assessed to the payment of any minister, school master, or poor, but within their several parishes aforenamed. Bloody Point was named NEWINGTON this day by his Excellency the Governour.

Cha: Story, Secretary.

[P. 472.] The following vote was sent up from the House of Representatives, as followeth:

Considering the Great charge that may arise upon sending a Gentleman of the province to negotiate the affaire of Redeeming our prisoners that are at Quebeck, —

Voted, that His Excellency the Governr be desired to Impower the Gentlemen sent from the Massachusetts to transact the business for us, and we will pay our Quota of

the charge in proportion to the number of our prisoners that may be returned, and if none to be obtained, wee will gratifie the Gentlemen for the trouble and charge they may be at to inquire after them.

May 12th, 1714.

Past by the House.

Samuel Keais, Clerk.

In Council.

Read and consented to by the Council.

Cha: Story, Secretary.

The following vote was sent up from the House of Representatives, in hæc verba sequen:

The last year's tax being paid into the Treasury in Massachusetts, Road Island and Connecticut Bills, and the burning of them does not answer the fund of this province, and to avoyde charges that may arise in changing them into Bills of this province,

Voted, that the last province tax, being fifteen hundred pounds, be lett to such several persons as will give good and sufficient Land security within the province, obleidging themselves to repay the same within one year in New Hampshire Bills, and that a Committee be appointed therefor.

Past by the House.

Samuel Keais, Clerk.

Voted, Mr. Speaker, Mr. Attkinson and Mr. Jaffrey be a Comittee to joyne with a Comittee of the Council for the above service.

Read in Council and concurred with [P. 473.] the Representatives, Provided that the money be lent for two years, the borrower paying interest for the same; and Ordered, that Colonel Waldron, Mr. Treasurer Penhallow and John Plaisted, Esq., be a committee to joyne with the committee of the Representatives for that purpose, who are hereby Impowered from time to time, after taking sufficient

security, to Issue forth their order or warrant to the Treasurer for the payment of such sume soe lent, which shall be a sufficient discharge to the Treasurer for the same.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

Voted at two and a halfe Pr. cent. interest, or what more the committee can gett.

Past the House.

Sam^{ll} Keais, Clerk.

Read in Council and consented to.

Cha: Story, Secretary.

Adj^{d} till the 14th day of June, curr^{t}, 10 o'clock ante meridiem.

[P. 474.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, by adjournment, on Fryday, the 14th of June, 1714.

Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

Richard Waldron, Robert Elliot, Nath^{ll} Weare, } Esqrs. Samuel Penhallow, John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

The two following votes were sent up to this Board from the House of Representatives, in hæc verba:

Voted, That the New Hampshire Bills that for the future shall be paid into the Treasury, shall be accepted with the advance of five Pr. cent.

14th May, 1714. By order of the House.

Sam^{ll} Keais, Clerk.

Read in Council and consented to, nemine contradicente.

Cha: Story, Secretary.

Voted, That twelve hundred pounds in Bill of Credit of

this province, be forthwith Impressed and signed by the Comittee and applyed to the payment of the province Debts that are allowed by the committee for auditing the province Acc^{ts}, and approved of by the General Assembly, and that an act be drawen up accordingly, and that the same be repaid in the year one thousand seven hundred and nineteen.

May 14th, 1714.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

Adj^{d} till to-morrow morning, tenn of the clock, ante merediem.

[P. 475.] 15th May, 1714, ante merediem.

Upon Hearing the Gentlemen of Dover who were chosen by the Town to shew cause why the publick meeting for the worship of God on the Lord's day should not be held at the new meeting House at Cochecho, now standing nearest the center of the present Inhabitants, this court are of opinion and accordingly advise the Inhabitants of Dover, at their next Town meeting, to choose three persons as a committee to treat with those of Cochecho that were at the charge to erect the meeting House there, in order to an agreement upon reasonable Terms, to make it the Town meeting House, and the only place of meeting for the future; but if they cannot come to any agreement, that the persons chosen by the Town and three of the principal disbursers for erecting the said new meeting House at Cochecho, to appear at the next sitting of the General Assembly, and make report of their proceedings herein, and wherein they differ, in order to a final determination of that matter; and that in the meane time the meeting be kept one sabbath day at Dover neck in the old meeting House, and the other at Cochecho, in the new.

May 15th, 1714. Past by the House of Representatives.
Samll Keais, Clerk.

Eodem die, read in Council and consented to, nemine contradicente.

Cha: Story, Secretary.

Voted, That the Laws now past, and all other former Laws which shall be thought usefull by the Governour and Council, be collected into a book and printed, and that the Committee appointed to Revise the Laws of this province see them effected.

15th May, 1714. Past by the House of Representatives.
Samuel Keais, Clerk.

Consented to by the Council.

Cha. Story, Secretary.

[P. 476.] Province of New Hampshire.

Att a Committee for Auditing the publick accounts of the province, held at Portsmouth, on Saturday, the eight day of May, Anno Dmi 1714.

Present,

Robert Elliot, John Plaisted, Mark Hunking, } Esqrs.
Theodore Attkinson, Joseph Smith, Mr. Geo. Jaffrey, } Esqrs.

No.		lbs.	s.	d.
1.	George Walton, and John Searle acct., allowd,	2:	1:	0
2.	Joseph Smith's acct., allowd, ...	0:	17:	0
3.	John Abbett's accts, allowed, ...	3:	0:	0
4.	Eliza Harvey's acct., allowd, ...	9:	6:	8
5.	Alexander Miller's acct., allowed, ...	2:	0:	0
6.	Joshua Pearce's acct, allowd, ...	2:	9:	0
7.	Mary polly's acct., allowd, ...	6:	8:	6
8.	Doctor Pike's account, allowd, ...	3:	6:	2
9.	Colonel Packer's account, allowd, ...	13:	14:	0
10.	William Fellow's account, allowd, ...	29:	19:	6
11.	Samuel Penhallow, Esq, his acct, ...	63:	1:	6
12.	Shadrach Walton's acct, ...	131:	10:	0

13. Joseph Cass his acc^{t}, allowed,	0:	18:	0
14. Joseph Smith's acc^{t}, allow^{d},	3:	2:	0
15. Samuel Penhallow's acc^{t}, a Treaty about the pacification,	69:	3:	8
16. Theodore Attkinson, Esq, his acc^{t}, allow^{d},	1:	7:	8
17. Benj^{a} Akerman's acc^{t}, allow^{d},	5:	0:	0
18. Mr. Sheriffe Phipp's acc^{t}, allow^{d},	14:	6:	—
19. Capt. Thomas Tibbett's muster Roll, allow^{d},	10:	11:	2
20. Colonel George Vaughan's acc^{t}, allow^{d},	10:	7:	9
21. Doctor Pike's acc^{t}, allow^{d},	9:	0:	0
22. Capt. Gyle's acc^{t}, allow^{d},	3:	0:	0
23. Deborah Wincal's acc^{t}, allow^{d},	1:	1:	4
24. Eliza Alcock, and partn^{r}, allow^{d},	0:	18:	0
25. John Knight, allow^{d},	2:	13:	4
26. Major Smith's muster Roll allow^{d},	3:	0:	0
27. Thom^{s} Greely's accts., not allowed.			
28. Cha: Story's acct., allow^{d},	40:	0:	0
To Col. Walton's muster Roll for Ephraim Marston,	0:	6:	0

Province of New Hampshire.

14th May, 1714.

Wee, whose names are hereunto subscribed, having perused all the accounts before mentioned, and [P. 477.] well considered the same, doe finde justly due to each person the several sumes sett opposite to the names and number of each person's debenter.

Robert Elliot,
John Plaisted,
Mark Hunking,
Theodore Attkinson,
George Jaffrey.

14th May, 1714.

The House of Representatives allow of the returns of the Committee as within, and above mentioned.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

The Council concurrs with the vote of the Representatives.

Cha: Story, Secretary.

15th May, 1714.

Allow^{d} Colonel Packer to be paid in course forty pounds pursuant to his acc^{t} on file.

Voted, that his Excellency the Governor be desired, before his going out of the province, to signe orders for payment of the province Debts in course that are already allowed and approved of by the General Assembly.

May 15th 1714.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Voted, That the proportion of Kingstown for the next province Rate be twenty pounds, equally to be discounted out of each Town's proportion.

May 15th, 1714.

Past by the House of Representatives.

Sam^{ll} Keais, Clerk.

Consented to by the Council.

Cha: Story, Secretary.

The following Acts—[Pages 478, 479, which follow, are blank.—Ed.]

[P. 480.] Province of New Hampshire.

Att a Special sessions of the Council & General Assembly held at Portsmouth, on Thursday, the 22^{d} July, 1714.

Present,

His Excellency, Joseph Dudley, Esq., Governour,

Peter Coffin,	Esqrs.	Sam^{ll} Penhallow,	Esqrs.
Nath^{ll} Wear,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

John Wentworth, Esq.

His Excellency made the following Speech in hæc verba sequen:

[From Journal of the House.]

Gentlemen,—

I am here upon an Interview & Speech with ye Indian Sachems of ye severall Eastern tribes, to settle ye Trade and Commerce between her Majesties good subjects of these Provinces & ye said Indians, and have directed this extraordinary session of the Assembly, that I might have your assistance and advice in any thing that may occur of benefitt to the Province. You shall be present at the Indians' attendance to discourse, and have opportunity to offer any thing thereupon afterwards; and I am to acquaint you that the Prorogation to the 11th of August next is yet continued without interruption.

J. DUDLEY.

[P. 481.] The following petition was read at this Board, viz:

To his Excellency Joseph Dudley, Esq., Governour and Commander in Chief, in and over her Majesties province of New Hampshire, and to the Honorable the Council and Representatives Convend in General Assembly.

The petition of Samuel Penhallow, Esq., Treasurer and receiver General of Her Majestie's Revenue, &c., within this, Her Majestie's province:

That the selectmen, by the several parishes with the officers, are by the Law Impowered to Lay the taxes throughout this province, and the Treasurer is by Law Impowered to direct his warrants accordingly. Yet soe it is, that by reason of the unhappy difference in the parish of Portsmouth, there are two sorts of selectmen, Assessors and Constables chose for the present year, And it being beyond my power to determine to whom I should direct my warrants for the levying of the tax granted unto her Majestie for the support of the Goverment, Defence of the province and paymt of the publick Debts, which will be to the hurt, detriment and dishonour of her Majties province,—

Doe humbly pray that yor Excellency and the Honorable Assembly will give such directions herein as you in wisdom shall see meet, which shall readily be observed by yor Excellency and Honrs most humble and most obedient servant,

Samuel Penhallow.

Portsmo, July 22d, 1714.

22d July, 1714. This petition being read at this Board,

Ordered that the two setts of selectmen be notified to appear here on Saturday morning, tenn of the clock in the forenoon, and that the Representatives be desired to concurr with the same.

Cha. Story, Secretary.

Voted in the House of Representatives,
Concurrence.

Sam^{ll} Keais, Clerk.

[P. 482.] Ordered that the Secretary send to the Sheriffe to notifie the said Selectmen accordingly.

Adj^{d} till to-morrow morning, tenn of the clock.

Mett accordingly, present ut supra & R. Elliot.

The following petition was read at this Board, viz:—

To his Excellency Joseph Dudley, Esq., Governour, and the Honorable the Council sitting at Portsmouth, 23d July, 1714.

This writing humbly sheweth, that whereas the Laws of this province obleidgeth each town in the Said province to be provided with a school master to keep a free school, and the selectmen of Hampton having hired one for the said Town to teach both Latin and English, &c., nevertheless, altho the Law of this province and order of the Governor and Council and a vote of the Town doth order that all the Inhabitants pay the maintaining such publick Town School,

Yet notwithstanding the said Law and orders, the major part of the selectmen and Justice Wear, have signed and directed a warrant to the Constable to collect the said school ma^{ts} Rate from only a part of the Town, and wholly left out the other part of the said Town; which partial doings hath caused great Divisions in the said Town, and will more increase contentions when the Constable comes to take such Rate by distress, if not timely prevented.

It is therefor desired that the said Justice and Selectmen be ordered to answer before your Excellency and Council, and alsoe Robert Moulton, the present Constable, be ordered to bring his Rate at the same time, and that he be ordered to forbear [P. 483.] gathering said tax until further order of this Board, which may be a meanes of preventing Contentions among us.

Joseph Smith, in behalfe of the greatest part of the Town.

Upon reading at this Board the petition before-mentioned,

Ordered, that there be a hearing of the said petition at this Board, on Wednesday next, tenn of the clock, ante merediem, and that the selectmen and Constable Moulton be notified by the Secretary to appear at time and place, and that an order be sent to the Constable Moulton to forbear collecting the said rate till further order, and that he bring a list of the assessments and warrants for collecting the said Rate with him, to be laid before the Governour and Council.

In Council,

Cha. Story, Secretary.

Adj^{d} till to-morrow morning, tenn of the clock.

Mett accordingly, present as before.

Council Chamber.

The Governor comunicated General Nicholson's letter of yesterday, referring to his coming hither, & sent Capt. Wentworth and Colonel Phipps with the Gen^{ls} present (a Guinea) to the Indians, to accquainte them of his affection to them, and of his coming.

[P. 484.] Voted, In answer to Mr. Treasurer Penhallow's petition, on hearing the Qualifications of the two setts of Selectmen in Portsmouth:

We are humbly of opinion, that the Selectmen Chosen at the new Meeting House, on the 7th of June last, are the persons that the Treasurer ought to send his warrants to for the collecting such money as hath been granted to her Majestie this present year. past the House of Representatives.

Saml Keais, Clerk.

24th July, 1714.

The following vote was sent down from the Governour and Council to the House of Represent^{s}:

In Council, 24th July, 1714.

Information being given to this Board that there is offence taken by the Assembly of Her Majestie's Province of the Massachusetts, at the Act of Impost & Dutys of Exportation lately made in this Province:—

Ordered, That Samuel Penhallow & Mark Hunking, Esqs., be a Committee from this Board to Joyne with a Committee with the House of Representatives, to meet and confer with such Gentlemen as the Goverment of the Massachusetts shall direct for that purpose, to take away any Just offence at the said Act; for that we would avoyd any misunderstandings between the two Goverments of her Majestie's provinces, soe happily united for the common safety and preservation of each other.

Past in the Council, *Nemine contradicente.*

Cha. Story, Secretary.

To which it is Answered, viz.: Wee are humbly of opinion that it is inconsistent with the [P. 485.] Honour of the Goverment of this province to appointe a Comittee to confer with such to be chosen of the Massachusetts, about any Law of this province.

If they are agreived by any Act, upon their Intimation thereof, and desire to treat with us thereon, wee will then appointe a Committee to confer with them.

But in the meane time, wee pray his Excellency the Governour to give them all Imaginable assurances that wee had noe intention to affront or injure their Goverment by passing any Act, and hope they will have noe ill Resentment thereof.

Adj^{d} to Monday, the 26th curr^{t}, tenn of the clock, ante meridiem.

Mett accordingly, and adj^{d} to Tuesday, the 27th curr^{t}, 10 o'clock, ante Meridiem.

Mett Accordingly, & Adj^{d} to Wednesday, the 28th curr^{t}, 10 o'clock, ante meridiem.

Met Accordingly. Present,

His Excellency Joseph Dudley, Esq., Govern^{r},

Robert Elliot,	Esqrs.	John Plaisted,	Esqrs.
Richard Waldron,		Mark Hunking,	
Sam^{ll} Penhallow,		John Wentworth,	

In Council.

Voted, The necessity of the Affaires relating to the Congress with the Indians having taken upp soe much time, that the Governour and Council cannot farther proceed in the determination of the matter relating to the Affaires of the Select men of Portsmouth,—

[P. 486.] Ordered, At present, that out of the nine persons set down in the margin, there be five prickt by his Excellency the Governour, to doe the publick service of the said Town as Select men, till the 25th day of March next, and then the said Town shall proceed to to call a Town Meeting for the choice of all Town officers as formerly has been use, agreeable to the Laws of the Province.

Geo. Jaffrey,
Richd Wibird,
Tho. Westbrook,
Saml Weeks,
Saml Hart,
Mark Hunking,
Geo. Vaughan,
Wm. Cotton,
Lt. Johnson.

Past by the Council and sent to the House of Represent. for concurrence.

Chas Story,
Secretary.

Voted a concurrence with the Order of the Governour and Council, and, considering the Regularity of the Town meeting at the New Meeting House the 7th of June, confirm the Town Clerk and all other officers then chosen, and the votes then passed about the New Meeting House.

28th July, 1714. Past by the House of Representatives.

Samuel Keais, Clerk.

The Council consent that his Excellency the Governour forthwith choose five select men out of the nine persons mentioned in the margin above, and that the Town Clerk and all other officers chosen at the Town meeting at the New Meeting House stand as such, till the 25th March next. The Govern^{r} and Council hereby order that the 25th day of

March be the day for Annually Electing Town Officers for Portsmouth, unless the said 25th day of March fall upon the Lord's day, and then the Election shall be the day following.

Cha. Story, Secretary.

[P. 487.] Portsm°, 28th July, 1714.

Agreeable to the votes of the Council and Representatives in General Assembly convend, that the Governour name and appoint five persons to doe the Office of Select men for the Town of Portsmouth, for laying the taxes & other prudentials for the year Ensuing, as in their votes do appear:

Mark Hunking, Esq., Samuel Weeks,
Thomas Westbrook, Samuel Hart,
George Jaffrey,

being five of the nine in the margin of those votes, are the persons I have determined for the service.

Given under my hand.

J. DUDLEY.

The following Memorial was read at this Board, viz:

To his Excellency the Governr, with the Honourable the Council and Representatives convend in General Assembly: — Wee the subscribers being commissionated and appointed to ascertaine the Bounds of the two parishes of Greenland and Newington, for the better direction of the Constables in collecting of publick taxes, upon due consideration thereof, wee are of Opinion the Parish of Newington be Bounded from the River to Piscataqua by the Inhabitants following, viz., James Gray, Henry Bennet, Joseph Johnson, Saml Tomson and Thomas Pickering, upon the Great Bay; and that these p'sent Inhabitants with the Lands and Estates they live upon, and whosoever shall live upon them here after, or build within the limitts aforesaid, shall pay their Parish taxes to Newington.

[P. 488.] And that the parish of Greenland be bounded upon the Great Bay by the farm of the Widdow Jackson, Joshua Pearce, and Israel March, and soe to Packer's bridge, and thence to Joshua Haines', Mr. Cate's and Edward Ayres' farme, and from thence South westerly to Hampton Bounds; & that these present Inhab-

itants with the Lands and Estates they live upon, and whosoever shall live upon them hereafter or build and inhabit within the limits aforesaid, shall pay their Parish taxes to Greenland.

All which, notwithstanding, is humbly submitted, by

Richd Waldron, Richd Gerrish,
Mark Hunking, George Jaffrey.

28th July, 1714.

Read in Council and Approved of, and sent down to the House of Representatives for concurrence.

Cha. Story, Secretary.

The House of Representatives Concurr.

Saml Keais, Clerk.

Voted, Theodore Atkinson, Esq., and George Jaffrey, be a Committee to Joyne with the Committee of the Council to confer with the Committee of the Massachusetts about their being offended at any Law of this Province, and make return thereof to the General Assembly.

July 28th, 1714.

Per Order of the House,

Saml Keais, Clerk.

Assembly prorogued to the 11th August, 1714.

[P. 489.] Mett, according to Proroguement, and pursuant to his Excellency's letter the Assembly is further prorogued to Wednesday, the 8th 7^{br}, 1714.

Mett according to Proroguement, and the General Assembly were, pursuant to his Excellency's the Gov^{rs} Letter, prorogued to the 16th day of Sep^{br} currant.

Mett according to proroguement, and pursuant to his Excellency's letter the General Assembly were prorogued to the first day of October next.

Mett accordingly, and the General Assembly were adj^{d} till to-morrow morning, 10 of the clock.

Province of New Hamps^{hr}.

At a Council and General Assembly held at Portsm^{o} by Adj^{t}, on . . . . . the second day of October, Anno Domi. 1714.

Present,

Nathl Weare,	Esqrs.	Saml Penhallow,	Esqrs.
Robert Elliot,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

John Wentworth, Esq.

The two following Addresses, having been three times read, past both Houses, and Ordered to be Engrossed and sent for Great Brittaine, His Excellency pleasing to transmit the same.

To the King's most Excellent Maj'tie.

The humble Address of the Council and Representatives of the General Assembly of the Province of New Hampshire, in New England, in America:

Most Gratious Soveraigne,—

Having already with utmost joy and faithfulness to Almighty God congratulated your Maj'ties Rightful and happy Accession to the throne of Great Britain, &c., wee most humbly beg leave, with utmost Reference and duty, to Represent to your Majestie that his Excellency, Col. Dudley, our present Govern^{r}, had the Honour to have a Commission for this governm^{t}, first from the late King William, of glorious Memory, and afterwards from our late most Gratious Soveraigne, Queen Anne, of blessed memory; during the whole of whose Reign, the greatest part whereof was a difficult and distressing time of Warr here with the French and Indians, The Honour and Interest of the Crown of Great Brittaine and the happiness & prosperity of your Majestie's people have been greatly served and advanced by his wise and faithfull administrations. The very last Address wee had the Honour to present to her late Majesty contained our Thankful Acknowledgments of her Majestie's Great Favour to her people here, in his continuance in this Governm^{t}; And wee now most humbly and faithfully give the same Assurances to your Majestie that his Government over this province is very acceptable to us, and all your Majestie's good subjects here, whom wee respect. And wee shall with all thankfulness esteem and acknowledge it as an instance

of your Royal favour to us, if your Majestie will yett please to continue him the Honour of this Governm^{t}, being now in an advanced age, and one that wee doubt not but by the favour of God and yor Majesties Royal Instructions, will continue an Honour to yor Majestie, and a Great Blessing to yor people.

Cha: Story, Secretary.

By order of the Council.
2^{d} October, 1714.
Portsmouth, in New England,
in America.

Richard Gerrish, Speaker
of the House of Representatives.

To the King's most Excellent Majestie.

The humble Address of your Majesties most Dutiful and Loyal Subjects, the Governour, Council and Representatives of your Majesties Province of New Hampshire, in New England, conven^{d} in General Assembly:

May it please yor Majestie,—

As wee cannot but be sensible affected with the late Death of our Soveraigne Lady Queen Anne, of Blessed Memory, soe nothing would soe well allay our Griefe as your Majestie's happy Accession to the throne, which hath filled our hearts with joy and satisfaction beyond the Expression of our Tongues; and wee accordingly, with utmost sincerity and thankfulness to Almighty God, congratulate your Majestie thereupon, being well assured that not onely your Realms in Europe but the remotest of yor Dominions in America will Enjoy a proportionable share in the benign Influence of yor Auspicious Reign.

For which end wee shall offer up our daily prayers to God Almighty, that your Majestie's Royal person and Family may be always under Divine protection; that your Majestie's Reign over us may be long and prosperous; your Councils and Administrations directed and succeeded from above; And that under your Majestie's Goverment, wee may all lead quiet and peaceable lives in all Godliness and honesty. And finally, that wee, your Majesties faithful and peaceable subjects in these your Remote Domin-

ions, may always find favour before your Majestie in the full and free Enjoyment of our Religione and Civil Rights and privileges.

CHA: STORY, Secretary,
By order of the Council.
RICHARD GERRISH, Speaker of
the House of Representatives.

Portsm°, in the Province
of New Hampshire, in New
England, in America,
2d October, 1714.

Prorogued to the 3d November, next Ensuing, 11 o'clock, ante merediem.

[P. 492.] Mett according to prorougement, and adjourned to the fourth of November currant, 10 o'clock, ante merediem.

Mett accordingly and adjorned to the fifth currant, 11 o'clock, ante merediem.

Province of New Hampshire.

Att a Council and General Assembly held at Portsm° the fifth day of November, Anno Dom. 1714.

Present,

Robert Elliot, Saml Penhallow, John Plaisted, } Esqs.
Mark Hunking, Jno. Wentworth, } Esqs.

His Excellency's the Govern[s] letter was read at this Board, in hæc verba Sequen:

Gentlemen,—

I have the opinion of the Gentlemen of the Law that I cannot continue the present Assembly of the province of New Hampshire any longer upon the writ in her late Majesty's Reign.

I do therefor hereby Dissolve the Assembly and discharge them from any further attendance, with thanks for their good service, and shall take care as much as in me lyes in every thing

for the benefit and welfare of the Province, until his Majestie's commands may happily arrive, as is my duty.

Given under my hand,

Boston, 1st Nov., 1714. J. DUDLEY.

To the Gentlemen of his Majestie's Council for New Hampshire.

Under cover, directed as foll: On his Majestie's Service,

J. Dudley.

To the Honble Wm. Vaughan, to be communicated to his Maj^ties Council of New Hampshire,

Portsm^o.

Pursuant to the abovesaid Letter, the Assembly were accordingly Dissolved.

Cha: Story, Secretary.

[P. 493.] Province of New Hamp^r.

At a Council & General Assembly held at Portsm^o, the 20th day of April, 1715.

Present,

His Excellency the Governour,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

His Excellency the Govr this day took ye oaths & signed the Declaration.

Saml Penhallow & Jno. Plaisted, Esqs., were sent from this Board to ye representatives (1) to administer ye oaths to them, which they did accordingly.

(1) [From Journal of the House.]

The members Elected for the several Towns returned as follows, viz:

For Portsmouth.
Richd. Gerrish, Esq.,
Geo. Jeffrey,
Sam. Keis.

For New Castle.
Theod. Atkinson, Esq.,
Jotham Odiorn.

For Hampton.
Maj. Joseph Smith,
Peter Ware,
Joshua Wingate.

For Dover.
Capt. Tim. Gerrish,
Jno. Downing,
Stephen Jones.

Mr. Sheriff Phipps was sent down to ye House of Representatives to call them to this board, who came up with Richd Gerrish, Esq., their Speaker, whome they presented to his Excellency & was by him accepted; his Excellency made a Speech to y^m (2).

Adjourned till to-morrow, ten o'clock, A. M.

Province of New Hampshire.

At a Councill & General Assembly held at Portsm^o the 21 Aprill, 1715.

Present,

His Excellincy the Govr,

Robert Eliot, Richd Waldron, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Mark Hunking, Esq.

Mr. Treasurer Penhallow was directed to quicken ye constables that are behind hand of paying the last Pro: tax by his letter or warr^t to them.

The Petition of Simon Wiggins, Andrew Wiggins, &c., desiring that the Patent land w^r on they live might be made a township, was read and sent down to ye Representatives.

For Exeter.
Saml. Thing,
Nicho. Gilman.

For Kingston.
Sam. Easman.

The House met & Qualified Apl. 20th.

Voted, Richard Gerrish, Esq., Speaker, who being presented to his Excellency, was accepted accordingly.

Voted, Sam. Keis, Clarke of ye House.

(2) The House sent for by his Excellency, who presented the following Speech:

Gentlemen,—

By the favour of Almighty God and the Indulgence of his Majesty, the Best of Kings, you are at this time assembled, and there is nothing necessary for the ease & Benefitt of this his Majestie's Province but I shall readily come into and put forward when it shall be offered.

I have directed Mr. Treasurer to lay before you the present state of your Debts, which you will provide for. The tax now collecting will be no Assistance therein, being ordered to be paid in bills of Credit of this Province that they may be burnt in pursuance of the Act of Assembly, and in that case made & Provided. I judge it best for the Assembly to use all proper methods to get out of Debt whilst we are in Peace, that we may be more capable and ready for what shall be necessary to establish & advance the growth of ye Province & defence for ye future.

JOSEPH DUDLEY.

[P. 494.] Upon reading of a list of ye Inhabitants of Starr Island, amounting to thirty-five in number, it is —

Ordered, That ye Sheriff imediately send forth his Precept directed to James Blagdon, Esq., one of his Maj^ties Justices of Peace residing there, to cause ye Inhabitants of the s^d Island to elect & send a p'son to represent them in ye General Assembly, by Tuesday, the twenty-sixth instant.

Adjourned for two hours.

Pro: of N. Hamp^r. Mett again.

Present, — as Before.

The Councill is adjourned till to-morrow, 10 o'clock A. M.

[P. 495.] Province of N. Hampshire.

At a Councill & General Assembly held at Portsmouth, the 22^d of April, 1715.

Present,

His Excellency the Governour,

Robert Eliot, Richard Waldron, } Esqrs. Sam. Penhallow, John Plaisted, }

Mark Hunking, Esq.

Voted, In Councill y^t ye Excise of Liquor within this Pro: be farmed out by ye Treasurer with ye assistance of a Committee of both houses. Jno. Plaisted & Mark Hunking, Esqs., of ye Councill, with any other two to be appointed by ye representatives.

Tho. Phipps, pr. order.

Voted, That Mr: Speaker Gerrish & Mr. Odiorne are of ye Committee to joyn ye Gent^n of the Councill.

Saml Keais, Clerk.

A Complaint was read, signed by sundry Inhabitants of ye Town of Portsmouth, ag^st ye Selectmen, for raising more mony in ye Pro: taxes in ye years 1712 & 1713, than their warr^tts from ye Treasurer Impow'red them to do.

Ordered, A Hearing of both p'ties at four o'clock, P. M. Sundry of ye complainers being notifyed by ye Sheriff, none attended but Wm. Cotton & Mr. Wm. Partridge; so noth ing done in that matter.

The following Vote was sent from ye Low^r House to ye Councill board, viz:

Voted, That there be a Committee of both houses chosen to examine ye Pro: Acc^tts, & make return from time to time to ye General Assembly; & that Mr. Speaker Gerrish, Messrs. Atkinson & Jeffry & Maj. Smith, be ye Committee of this house.

Pr. order of the House.

Saml Keais, Clerk.

Consented to by ye Councill, &

Voted, That Robt Eliot, Jno. Plaisted & Mark Hunking, Esqrs., be of s^d Committee from this board for ye service aforesaid.

Tho: Phipps, pr. Order.

Adjourned for two hours.

[P. 496.] Province of N. Hampshire.

At a Councill & General Assambly held at Portsmouth, ye 22^d Aprill, 1715, P. M.

Present,

His Excellency the Governour,

Robt. Eliot, &c., as Before.

A Committee is appointed to view ye two meeting houses at Dover & Cochecho, & make their return by Tuesday next, viz.

Whereas, by ye return of ye Committee from Dover, it appears there is no agreem^t about ye Meeting house at Co checho:

Ordered, That a committee of both houses be chosen to go to Dover to view both meeting houses there, & Enquire

into the scituation of ye Inhabitants thereab^t^, & make report wch of the two houses, since ye seperation of Newington, best suits ye remaining Inhabitants to meet constantly to attend ye Publick worship of God on ye Lord's Day; & y^t^ the Select men of ye Town be notified to attend ye Committee in this affair at the Old Meeting house on Dover neck, on Monday next at ten o'clock, & the Committee to make their return to ye Genl Assembly, on the day following.

Past pr. ye Councill, who have chosen John Plaisted & Mark Hunking, Esqs., to joyn wth two to be chosen pr. the House of representatives. Tho. Phipps, pr. Ord^r^.

Voted, That Mr. Sam^ll^ Thing & Mr. Peter Weare joyn wth the Gent^n^ above to be a Committee for the service aboves^d^.

Pr. order of the house.

Saml Keais, Clerk.

Mr. Sheriff Phipps made a representation of the Deficiency of the Goal in Portsm^o^, & prayed y^t^ ye same might be reformed; After the reading of which, it was sent down to ye house of representatives, who thereupon sent up ye following vote, viz:

Voted, That Messrs. Smith & Atkinson be of a Committee to joyn with others chosen by ye Council to examine the deficiency of ye Goal & cause the same forthwith to be repaired and [P. 497.] strengthened & (if they think meet) removed; adding thereto a Leantoe* & yard, & ye treasurer to advance ye mony for this service.

Pr. ord^r^ of the Representatives.

Sam. Keais, Clerk.

The Council consent to ye above vote, & have Accordingly chosen Jno. Plaisted & Mark Hunking, Esqrs., to joyn with Messrs. Smith & Atkinson for ye service afores^d^.

Tho. Phipps, pr. Ord^r^.

Adjourned till to-morrow, 10 o'clock A. M.

* Lean-to, a part of a building which appears to lean on the main building.—*Web. Dic.*

Pro: of N. Hamp^{r}.

At a Council & General Assembly held at Portsm^{o}, ye 23^{d} April, 1715.

Present,

His Excellency the Governour,

Robt Eliot, Richd Waldron, } Esqrs. Saml Penhallow, Jno. Plaisted, } Esqrs.

Mark Hunking, Esq.

Mr. S had. Walton p'sented a pap^{r} to this Board, which was read as follows:

May it please your Excellency,—

There being now but four men in his Maj^{ties} fort W^{m} & Mary, & two of them being superannuated & unfit for any service, I would humbly pray yor Excellency that ye s^{d} two men may be dismissed & more servicable p'sons put in their rooms, or that there may be an ord^{r} for one or two new souldiers to be added to them, as yor Excellency in yor Wisdom shall think fitt. I am

Your Excellency's Dutiful serv^{t},

Portsm^{o}, April 23^{d}, 1715. Sha. Walton.

Upon reading this application it is Ordered, That Franc: Sherlott be dismist from ye service in ye Fort & that —— Coats be put in his place.

Tho. Phipps, pr. ord^{r}.

[P. 498.] Coll. Shadrach Walton's Debenter for himself & the Souldiers at his Maj^{ties} Fort W^{m} & Mary, am'ting in the whole to one hundred and forty-four pounds, ten shill^{o}, viz:

To himself,	£27: 10: 00
Franc: Sherlott,	26: 00: 00
James Phillips,	26: 00: 00
Joseph Langmaid,	26: 00: 00
James Sweat,	26: 00: 00
Forgot to be entered,—James Sweat,	13: 00: 00
	£144: 10: 00

Adjourned to Monday, ten o'clock ante meredien.

Province of New Hampshire.

At a Council & General Assembly, held at Portsm^{o}, the 26 day of April, 1715.

Present,

His Excellency, ye Govr,

Richard Waldron, Samuell Penhallow, } Esqs. Jno. Plaisted, Mark Hunking, } Esqs.

Ordered, That the Collector of ye Duty upon Lumber be notifyed not to take any thing of those that Export any Lumber out of ye Gov^{r}m^{t}, of the Pro: of ye Massachusetts, on acc^{t} of the Act in this Pro: imposing that Duty, wch Act Requires no such thing, & the s^{d} Collector is to be served wth a Copy of this ord^{r}.

Adjourned for two hours.

[P. 499.] Province of N. Hamp^{r}.

Mett again at two O'clock Post Meridiem.

Present—As Before.

Voted, That Maj^{r}. Joseph Smith, Messrs. Jno. Downing, & Saml Thing, be a Committee to joyn wth Some of the Gent^{n} of ye Council, to take bonds of the p'sons that have borrowed the fifteen hundred pounds out of the treasury. By order of ye house of representatives.

Saml Keais, Cleric.

In Council, Voted, y^{t} Mr. Treasurer Penhallow, Mark Hunking, & Jno. Plaisted, Esqs., be of a Committee to be joyned by y^{e} above named p'sons for y^{e} service afores^{d}.

Tho: Phipps, p^{r} Ord^{r}.

The Petition of Richard Dollar was read at this Board as follows:

To his Excellency, Joseph Dudley, Esq., Capt. General & Commander-in-Chief in & over his Maj^{ties} Pro: of N. Hamp^{r} &c., & the Hon$^{r'ble}$ the Council & Assembly now sitting.

The humble petition of Richard Dollar, of Exeter, in s^{d} Province,

Most humbly sheweth,—

That yor Poor Petitioner went some time last summer to Canada

by land, to redeem three children I had made Captive by y^e Ind^ns but could get but one of them, for which I paid £12: 17: 0, to ye Indian Captor at Canada, & w^n I came to port Albany I paid him twelve pounds more, for wch I gave my bond to Maj^r. Skyler, wch your Petitioner hath not been able to discharge as yet, so that it still stands in force ag^st me; wch I cannot possibly discharge of myself (being very poor), my afores^d journey having been very chargeable, wch I have born myself, without any manner of assistance, & yor Poor Petitioner intending to go again to Canada this Summer to get my other two children, a French gentl^n having promist me to [P. 500.] redeem them from ye Ind^ns: Humbly implores yor Excellency & Honours' christian compassion in giving me relief in this my great distress, by ordering my afores^d bond to be discharged, & some further help given me to enable me to proceed in my afores^d Journey, and yor Petitioner shall ever pray as in Duty bound.

Richard Dollof.

After ye reading this Petition, it was sent down to ye house of Representatives, who thereupon sent up ye following vote, viz:

Voted, That the Petitioner be paid twenty pounds out of the treasury, by ord^r of ye house of representatives.

Saml Keais, Clerk.

Consented to pr. ye Councill, & ordered that a warrant be issued to ye treasurer accordingly.

Tho. Phipps, pr. ord^r.

Voted, That one thousand pounds of the fifteen hundred pounds, which is now in the treasury be burnt, & the other five hundred pounds be repeated to pay ye Pro: Debts wch shall be allowed by the Committee & approved by the General Assembly.

By order of ye Representatives, Saml Keais, Clerk.
Consented to by ye Councill, Tho: Phipps, pr. ord^r.

Upon application of Capt. Jno. Downing, of Newington, for himself & the Inhabitants of the Parish of Newington, laying before the house ye Inconveniences of several p'sons collecting their Pro: tax, & they having a Constable for col-

lecting their Parish Dues, pray that the same p'son they choose for settling their parish business may also assist their people in ye Pro: taxes, & the Same Constable may Collect the Same.

Voted, that the Selectmen of Dover & Portsm^o draw out a list of the Inhabitants of Newington in each of their towns, and deliver the same wth the equall proportion of their Pro: tax, & ye same sum in each town be abaited to them, & that henceforward [P. 501.] ye treasurer send his warr^ts to ye trustees of ye Parish of Newington, to collect the same.

By order of the house of representatives.

Saml Keais, Clerk.

Consented to by ye Councill.

Tho: Phipps, pr. ord^r.

Voted, That that part of the Act about Impost, &c., begining the 10th June, 1714, concerning the Duty of Rum, wine, sugar, molasses & tobacco, be continued untill the 10th of June, 1716; and whereas the drawback there is three quarters if Exported in six months, It is now not so allowed, except it be exported in three months after the Importation.

Sam. Keais, Clerk.

Consented to by the Councill.

Tho. Phipps pr. Ord^r.

The Return of the Committee chosen to view the meeting-houses at Dover, &c., was read as follows:

Pro. of N. Hamp^r.

We, whose names are und^r written, being appointed a Committee to go to Dover & view ye two meeting houses, & Inquire into ye Conveniency of the Inhabitants relating to their meeting on the Lord's day, & to report wch of the two houses suits them best; in obedience thereto, we have been & viewed s^d meeting houses & made Enquiry as within

directed, & do find that the new Meeting-house hath 73 Inhabitants as convenient to it as ye Old hath 23, wch renders the difference three to one, & we are of opinion y^t the new meeting house at Cochecha is the most suitable place for the publick worship in that town. Humbly submitted by

John Plaisted,
Mark Hunking,
Sam. Thing,
Peter Weare, } Com^tee.

The Councill approve of the Report of ye Committee above, and accordingly have

Ordered, that the meeting to attend ye Publick worship of God on the Lord's day, be hereafter held at the new house at Cochecha, & that all ye Inhabitants of the town do pay in Proportion towards ye maintenance [P. 502.] of the minister there, excepting those of Oyster River, who by consent & agreem^t wth the town were settled as a distinct Parish, & to pay their own minister, & those of Bloody-point, who were made a parish by the Goverm^t by the name of Newington.

Tho. Phipps, pr. ord^r.

Voted a consent by the house of Representatives.

Saml Keais, Clerk.

Messrs. Benjn Gambling & Richard Waldron this day took the oathes in ye room of the oathes of Allegiance & Supremacy, & Received, each of them, a warr^t from his Excellency the Govr, Mr. Gambling, for toleing of horses, & Mr. Waldron for Clerk of the Councill.

Province of N. Hampshire.

At a Councill & General Assembly held at Portsmouth, the 27th of April, 1715.

Present,

His Excellency, Joseph Dudley, Esq., Govr,

Richard Waldron, Sam^{ll} Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

Voted, that the thousand pounds in the treasury ordered to be burnt, be burnt by the tenth of June next.

By order of the House of Representatives.

Sam^{ll} Keais, Clerk.

Consented to by the Councill.

Tho. Phipps, pr. ord^{r}.

Richard Gerrish, Esq., was sworn Register to the Court of Probates this day.

Prorogued to Wednesday, the 25th May next.

[P. 503.] Province of N. Hampshire.

At a Council & General Assembly held at Portsm^{o} by Prorogation, the 25th day of May, 1715.

Present,

Robt Eliot, Richd Waldron, Sam. Penhallow, } Esqrs. John Plaisted, Mark Hunking, John Wentworth, } Esqrs.

The Committee for receiving the claims and auditing the accounts of the Province, brought in & laid ye same before this board, as followeth:

Province of N. Hamp.

At a Committee's meeting for auditing ye Pro. acc^ts according to adjournment, ye 18th May, 1715.

Present,

Robt Eliot, John Plaisted, Mark Hunking, Richard Gerrish, Geo. Jaffrey, Theo. Atkinson.

No. 1.	Theo. Atkinson, allowed,	£3: 8: 8
2.	Secretary Story, deceased,	30: 0: 0
3.	Jotham Odiorne, allowed,	15: 0: 0
4.	Sheriff Phipps,	27: 0: 0
		75: 8: 8

May 19th. Mett according to adjournment. p'st all ye Com^tee.

No. 5.	Maj^r Smith acc^t, allowed,	£3: 14: 0
6.	Daniel Greenough's, allowed,	0: 15: 0
7.	Saml Penhallow, Esq., allowed,	26: 0: 0
8.	Tho. Packer, allowed,	45: 11: 10
9.	Tho. Packer, allowed,	51: 8: 1
10.	Willm Fellows, allowed,	6: 10: 4
	Tho. Phipps, allowed by Govr & Council,	4: 10: 0
11.	Tho. Packer, allowed,	30: 14: 6
	The setting of this Committee, each five days,	9: 15: 0
	Messrs. Penhallow, Thing, Hunking, Plaisted, & Atkinson, each two days on Com^tee,	2: 10: 0
12.	Saml Hart's acc^t, allowed,	0: 15: 0
		£257: 12: 5

[P. 504.] May 19th, 1715.

The sundry accounts wth in Written, am^ting to two hundred fifty seven pounds, twelve shillings & five pence, being examined, are allowed as Just & Due to the claimers.

Mem^o. Omitted untill ye 25th May.

No. 13.	Maj. Smith,	£1: 1: 0
14.	James Cate,	0: 12: 0

The sum is two hundred fifty-nine pounds, five shillings, 5d.

John Plaisted, Mark Hunking, Richard Gerrish, Joseph Smith, Theo. Atkinson, Geo. Jaffrey, } Com^tee.

This Acc^{t} was read & sent down to the house of representatives.

May 25th, 1715.

Past by the House of Representatives, Eodem die.

Sam^{ll} Keais, Clerk.

Allowed by the Councill.

Richd Waldron, Con. Cleric.

Ordered, That the Clerk write the Govr & send a Copy of the Publick Accounts returned by the Committee, praying orders for paym^{t} of the debts accordingly, & that the Assembly stands now adjourned to Fryday, the 10th of June ensueing.

Adjourned to Fryday, the 10th o f June next ensueing.

[P. 505.] At a Council & General Assembly held at Portsm^{o}, the 10th June, 1715, by adjournm^{t}.

Present,

Robert Eliot,	Esqrs.	John Plaisted,	Esqrs.
Richard Waldron,		Mark Hunking,	
Sam. Penhallow,		John Wentworth,	

The Assembly being adjourned to this day in ord^{r} to burn a thousand pounds in Pro. bills, but the treasurer informing that the Constables are considerably behind hand in bringing in their ra tes, & that those bills lately brought in are mostly other Prov. bills, so that 'twill take up time to Exchange them, It is therefore thought meet to adjourn ye Assembly, & accordingly ye Assembly stands now

Adjourned, to Thursday, the 14th July, next ensuing.

Pro: of N. Hamp^{r}.

At a Councill & General Assembly held at Portsm^{o}, July 14th, 1715.

Present,

Richard Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

Adjourned to Thursday, the 28th July next ensuing.

So far gone to England,

together wth ye two Acts made in April last.

[P. 506.] At a Councill and General Assembly held at Portsmouth by adjournm^{t}, July 28th, 1715.

P'sent,

Richard Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Voted, That Mark Hunking, Esq., joyne wth one to be chosen pr ye House of representatives to make tale of ye Province bills brought in by Mr. Treasurer Penhallow, to be burnt, & see the same Executed.

The House of Representatives have chosen Capt. Josh. Wingate to joyn with Mark Hunking, Esq., for ye service aboves^{d}.

P'suant to the above vote Mark Hunking, Esq., & Capt. Joshua Winget reported unto this board upon oath, that they received of Mr. Treasury Penhallow the sum of eight hundred sixty-five pounds & one shilling, in the Bills of this Province, wch s^{d} Bills were this day committed to the flames & burnt in view of the Councill & Assembly.

Adjourned to Thursday, ye 11th August next ensuing, 10 o'clock, A. M.

[P. 507.] At a Councill & Gen[l] Assembly held at Portsmouth, Sept[r] the 8th, 1715.

Present,

The Hon'ble John Usher, Esq., L[t] Gov[r],

Robert Eliot,	Esqs.	Sam[l] Penhallow,	Esqs.
Nath[l] Wear,		John Plaisted,	
Rich[d] Waldron,		Mark Hunking,	

John Wentworth, Esq.

Mr. Sheriff Phipps was sent down to call the Assembly to this board, who accordingly came, w[r] his hon[r] y[e] Lieut. Gov[r] ordered to be read to them his Commission, also his Speech to y[e] Councill in Feb[y] last, & his p'sent Speech, together w[th] a memoriall out of the Councill book (it being one paragraph of his honour's speech to y[e] Council, y[e] 2[d] Aug[st], 1714,* relating to his great charge & Expence in y[e] service of this Province, w[th]out any consideration therefor, w[ch] s[d] Memoriall w[th] y[e] s[d] two speeches were delivered to y[e] Assembly to be more considered of. His Hon[m] p'sent speech read to y[e] Council & Assembly was as follows:

Pro: of New Hamp[r].

Gent[n], Coun[n], Representatives in Gen[l] Assembly Convened:

In Jan[y] last a Proclamation for all p'sons Civill & Military continue in their respective offices. On y[e] 7th Feb[y] wth leaving Pro:, left Instructions relateing the Pro: Copy thereof now p'sent to w[ch] referr. Since my Departure out of Goverm[t] received no acc[t] State Pro: An Act Parliam[t] made 6th year late Queen Ann, Intituled an Act for y[e] security her Maj'ties p'son & Governm[t] & of the succession to the Crown Great Brittain, in the Protestant line, for taking oaths as in s[d] Act required & Continuance all p'sons for six months as by s[d] Act sett forth.

Proclamation King George, 22[d] Novemb[r], 1714, declaring his Maj'ties Pleasure for continuing his Maj'ties officers in his Maj'ties Plantations till his Maj'ties Pleasure be further Declared.

On 23[d] Sept. last in this Goverm[t] I published Proclamation King George accession to Crown great Brittain; did then and there take oaths as by Act Parliam[t] required; Judge y[e]. Goverm[t] by virtue my Commission & takeing the oaths Invested in myself, w[ch] Commission communicate to you.

* See Council Records of Aug. 2d, 1714, vol. II, p. 662.

[P. 508.] When come into Province Issued out ord^{s} for you Gent^{n} this day to meet for service Crown & Governm^{t}; Acquaint you his Excellency Govr Burgess is commissionated to be Govr this Province; latest acct. from great Brittain in a short time he may sail; after then his arrival here may speedily be expected, now y^{r}fore came, Recommend to you (viz.),

Raising mony for Discharge Debts of the Province; mony to defray charges of an hon$^{'ble}$ reception of his Excellency Govr Burgess into Province, & provide a house for entertainment of him & his retinue; Mony for repairing the Fort; paym^{t} souldiers at Fort to this time what may be due, & a boat for the Goverment.

Gent^{n}, Many years Invested wth Commission as Lt. Govr of this Province, my expences & my charges great out of my own Estate; find Mr. Partridge in less than a year allowed him eight hundred pounds charge of a Commission no more than mine granted in year 1703. Considering my great Expence & time in & for the Prov., recommend to you granting y^{t} wch may be hon$^{'ble}$ to Crown's Commission.

Augst, 1714, laid before Councill an allowance for my comeing into Province several times as by minute s^{d} Council; nothing therein Done.

P'suant to an Instruction propose an act be past in Assembly w^{t}by Creditors of p'sons becoming banckrupt in England & having Estates in N. Hamp^{r} may be relieved & satisfyed for Debts owing to them.

While I am in Prov: shall readily Act & consent to any thing wch may be offered for service crown & Government.

JOHN USHER.

Adjourned to 12 o'clock to-morrow.

Province of N. Hamp.

Mett again according to adjorm^{t}, being the 9th instant.

Present,

Nathl Wear, Saml Penhallow, } Esqs. Jno. Plaisted, Mark Hunking, } Esqs.

Mr. Treasurer Penhallow brought in his Acct. & laid the same before this board, wch was Immediately sent down to ye house of Representatives.

Adjourned to 2 o'clock, P. M.

[P. 509.] Province of New Hamp^{r}.

Mett again according to adjournm^{t}.

Present,

The Hon'^{ble} Jno. Usher, Esq.,

Nathl Wear,	Esqs.	John Plaisted	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

His Honour the Lt Govr intimated to this board that he was very desirous of knowing the true state & condition of this Province, & y^{t} in order thereto, it was necessary that the Collector of the Duty upon lumber should bring in accounts. The Council concurred wth his honour's opinion in that matter; and accordingly Jno. Plaisted, Esq., was sent down to notify the Assembly of the opinion of this board & Inform the s^{d} Collector accordingly.

Saml Penhallow & Jno. Plaisted, Esqs., together with the Clerk of the Councill, were appointed to qualify Capt. Nich^{o} Gillman to be a memb^{r} of the House of Representatives,* by administering ye oathes, instead of the Oathes of allegiance & supremacy, unto him, the s^{d} Gillman, wch was accordingly done.

Adj^{d} till to-morrow, 10 o'clock, A. M.

Pro. of N. Hamp^{r}.

Mett again according to adjornm^{t}, being ye 10th instant.

Present — Ut Supra.

The Clerk was sent down from ye Councill boarde to ye house of representatives to enquire whether they had any thing to offer to this board; they answered, They had nothing to offer at Pres^{t}, but in the afternoon they should have something to present.

Adjourned to 2 o'clock, P. M.

*Memorandum. That Capt. Nicklas Gilman was Quallified as a member of the house according to law.—*Journ. House*, Sept. 9th, 1715.

Province of N. Hamp.

Mett again according to adjorm^{t}.

P'st — Ut supra.

The Committee appointed to view ye Fort at N. Castle, And to make report of the state [P. 510.] thereof, made y return to this board, wch being read was sent down to ye house of representatives.

Saml Penhallow, Esq., was sent down to the house of representatives to Enquire whether they had any thing to offer to this board; they answered they were just now sitt down to Debate matters & had not as yet resolved any thing.

Adjourned to Monday, 2 o'clock, P. M.

Province of N. Hamp^{r}.

Att a Councill & gen^{l} Assembly held at Portsmouth, Sept. 12th, 1715, by adjornm^{t}.

Present,

Nathl Weare,	Esqrs.	John Plaisted,	Esqrs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

Coll. Shadrach Walton's Account from March 26th, 1715, to 7^{br} 7th, 1715, for ye Fort Willm & Mary, was read at this board, & sent down to the house of representatives.

Adjourned till to-morrow, 10 o'clock, A. M.

Province N. Hamp^{r}.

Mett again, according to adjournment, being the 13th instant.

Present,

The Honourable Jno. Usher, Esq., Lt Govr, & cetera — Ut Supra.

Saml Penhallow, Esq., was sent down to the house of representatives to Enquire whether they had any thing to offer

to this board; They answered, there were several of their house absent, and y^{t} ye matters were still in debate.

Mr. Saml Easman was sent from the house of representatives to this board, wth their answer to his Hon^{r} the Lt. Gov^{rs} Speech, wch was read, as followeth:

May it please yo'r Hon'r,—

We have read & consid'red yor Hon^{rs} Speech to us this session. [P. 511.] The Province accounts are generally made up once in the year; they were so done in March last, & provision taken for paym^{t} of the Debts.

We have p'rused the Treasurer's Estimate of the Pro. affairs, and thereby find no money in the treasury.

We expect w^{n} his Excellency Gov. Burges arrives in the Massachusetts Goverm^{t}, there will be time enough for our Preparation for his reception here.

There being formerly an ord^{r} of Councill about a boat for the King's Fort, & there being one now built, suppose that may answer for that service.

12th Sept., 1715. By order of ye house of representatives.

Saml Keais, Clerk.

The above Answer (to his Hon^{rs} Speech) being read at ye Councill board, was sent down to ye house of representatives for amendm^{t} of that paragraph relating to ye boat for his Maj'ties fort Wm. & Mary.

Adjourned to 2 o'clock, P. M.

Prov. of N. Hamp^{r}.

Mett again, according to Adjourn^{t}.

Present — As Before.

A late Act of the Goverm^{t} of the Massachusetts, Entituled An Act for granting unto his Majestie several rates & Duties of Impost & tunnage of Shipping, being read at this board, was sent down to the house of representatives by Saml Penhallow & Jno. Wentworth, Esqs., to be by them recommended to y^{r} Consideration.

Capt. Winget was sent up wth two votes from the house of representatives, wch were read at this board, as follows:

Voted, That if his Excellency Govr Burges should arrive in this Pro. before he doth in the Massachusetts Gov'rm^{t}, the Treasurer be desired to make preparation for his reception.

[P. 512.] Voted, That Coll. Walton be allowed six pounds pr. annum for the use of his boat for her attendance on the Goverm^{t} & Fort; he finding Oars, sails, &c., & always keeping her in repair.

By Ord^{r} of the House of Representatives.

13th Sept., 1715. Saml Keais, Clerk.

The Councill consent to the wthin two votes.

R. Waldron, Con. Cleric.

John Plaisted, Esq., was sent down to the House of representatives, to Enquire whether they had any thing further to offer. They answered, They had not at present.

Adjourned to 10 o'clock to-morrow, A. M.

Mett again according to adjornm^{t},
being ye 15th Instant.
Present,
The Honble John Usher, Esq., Lt. Govr,

Nathaniel Wear, Richd Waldron, } Esqs. Saml Penhallow, John Wentworth, } Esqs.

Richd Waldron, Esq., was sent down to the house of representatives from his Hon^{r} the Lt. Govr, to Inform them that he took their silence respecting the latter part of his Speech to be their Answer; And to Desire them to come up to this board. They accordingly came, when was read to them his Hon^{r} the Lt. Gov^{rs} speech, as follows:

Gent'n,—In my Speech recommended to you, gave reason for my coming into Pro., wch was to Enquire into state y^{r}of, & takeing care for an hon^{ble} reception Govr Burges; did apprehend very P P [properly?] this Assembly to have chosen two of each house to

have waited on his Excellency Govr Burges upon his arrival, to congratulate & give invitation into Pro.; but you Judge time enough his arrival. Find by Assembly that by treasurer's accounts no mony in treasury; by acc^{t}, 23^{d} April, 1715, 118: 4: 8; since which [P. 513.] neither Govr or Lt. Govr in Province, saveing myself, to sitt in Council, & no mony to be Issued out but by order Govr in Councill; likewise 250^{lb} for Lumb^{r} not brought to account; so answer to my speech as to revenue a mistake.

Gentl'n,—As by my speech signifyed Goverm^{t} Invested in me, & untill his Excellency Burgess arrives or some further orders from Crown declared, expect to receive Account state Province; shall, as occasion require, on notice readily come into Goverm^{t}, suffering in p'son & Estate in service Govm^{t}, my Estate suffering by reason my absence. Not knowing any matter moment for your proceedings, I do Dissolve you, & in his Maj$^{ties'}$ name you are Dissolved.

15th Sept., 1715. JOHN USHER.

Pro: of N. Hamp^{r}.

At a Councill & General Assembly held at Portsm^{o} Novemb^{r} 8th, 1715.

Present,

The Honble Geo: Vaughan, Esq., Lt. Govr.,*

Robt Elliot, Richd Waldron, Saml Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

Saml Penhallow & Mark Hunking, Esqs., together wth ye Clerk of the Councill, were sent from this board to ye house of representatives to administer ye oathes appointed by law, instead of ye oathes of Allegiance & Supremacy, unto ye Gen^{tn} chosen by ye several towns in this Pro: to represent y^{m} in ye g^{t} & General Assembly of s^{d} Province, viz:

* See notice of Lt. Gov. Vaughan, Council Records, note, Vol. II.—a speech to the Council, pp. 680—681.

Messrs.
- Richd Gerrish, Geo. Jaffrey, Richd Wibirt, } Portsm^{o}. James Davis, Saml Tibbets, } Dover
- John Dam, Newington.
- Jos. Smith, Jabes Dow,* Peter Wear, } Hamp^{n}. Saml Thing, Nich^{l} Gillman, } Exet^{r}.
- Sam. Easman, Kingston.
- Sha^{d} Walton, Theo. Atkinson, } New Castle.

[P. 514.] The Clerk was sent down to ye house of representatives to desire them to walk up into ye Council Chamber. Yy [they] came accordingly, w^{r} his hon^{r} ye Lt. Govr told them y^{t} as they were now qualifyed by Takeing ye oathes, &c., so he desired them to settle their house & then make return of their Speaker, in ord^{r} to proceed in ye service of ye King & Goverment. The House of representatives departed ye Council Chamb^{r} & quickly returning again Presented Richd Gerrish, Esq., their Speaker; who was well accepted.

Ordered, That Thursday, ye 17th of this Inst. November, be observed as a day of Publick Thanksgiving, throughout this Province, & that ye Clerk Issue out Proclamations accordingly.

Adjourned to to-morrow, 9 o'clock, A. M.

* From Journ. of the House, Nov. 10, 1715. "The House being informed that Mr. Jabez Dow is at this present time a Constable in the Town of Hampton, and he owning himself so to be, is thought a person unqualifyed, and therefore by order of the House, he is dismissed, and a notification sent to the Town of Hampton, to choose one in his Room, that may be qualifyed."

Pro: of N. Hamp^{r}.

Mett again according to adjorm^{t}, being the 9th Inst.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,			

James Davis, Esq., was sent to this Board to inform y^{t} there was a full house of representatives. The Clerk was sent down to ye house of representatives to call them to ye Councill board, who came accordingly, w^{r} was read to them his hon^{r} ye Lt. Gov^{rs} Speech, & then delivered to them, to be more fully considered of.

[Speech of Lt. Gov. Vaughan, copied from Journal of the House, May 9, 1715.]

Gentlemen,—

The knowledge I have of ye Extraordinary abilities and long Experience of his Excellency ye Govr & ye Honble the Lt. Govr who for many years have filled that place, makes me anxiously solicitous to use all Dilligence, that I may not be wanting in my Duty to ye Crown, & to promote the wellfare and prosperity of this his Majestie's Province.

Wee have (Blessed be God for his Divine favour) full assurance of ye happiest Estate of ye British Monarchy, which hath been Miraculously Exterpated from Desolating Ruine devised by Conspiring Monsters, both at home and abroad*; And we are now reaping the advantages of the King's Majestie's wise & just administrations, who hath Preserved us our Religion & Properties, & confounded all the machinations of Rebellious Impostures.

It remains that wee manifest our Duty & affection for his Majestie's Service & Goverment in this Small & Poor Province; that we care for the general good of his good subjects here, by establishing wholesome Laws to Suppress Vice & Encourage Virtue, and enforce ye due Execution of them; in our Respective Places to lead & prompt all persons whatsoever in doing their duty to their superiours, which tends much to the establishment of good Goverment; to which Purpose I shall readily, while I have the Honour to hold my station, adhere to your Council & advice, to give countenance to the virtuous and well disposed, but my Endeavours for the Punishment of all guilty offenders.

* This has reference to the overthrow of the conspiracy and rebellion in England, to place the "Pretender" on the throne. See History of England, 1715.

I think it proper to put you in mind of ye miserable estate of ye Castle, that due care be taken for its Repairs, and y^t it may be done as seasonably as the Spring will admit.

The Deficiency of ye Goal which is uncapable of holding the King's prisoners, through its defects & improper situation.

It is necessary for you to see the money ordered to be burnt, by June last, be now committed to ye flames, and that you be satisfied about the money which was borrowed out of the Treasury.

I pray you to give proper Directions for an honourable Reception of Coll. Burges, our Govr, when he shall come among us, and to nominate and Desire proper Persons to congratulate and pay ye Dutifull Respects of this Goverment when it shall please God to bring him into this Country.

The necessity of having An Assembly hath occasioned such a speedy convention: what is now needful may be considered & despatched, for probably the arrival of Govr may occation another session; and it is my hope and desire, that no former Disagreements or Differences whatsoever may put us out of ye way of our Duty to ye Crown & Goverm^t, but rather, that our past Contentions may make us more Desirous of our own and all our neighbors' Peace and Tranquillity.

GEO: VAUGHAN.

9^br 8th, 1715.

[P. 515.] James Davis, Esq., brought up ye following vote from ye house of representatives:

Prov: N. Hamp^r.

Voted, Mr. Wibert & Capt. Peter Wear, be a Committee of the house to joyn wth such as may be chosen of ye Councill, to view ye Prison & make report to ye Genl Assembly of w^t is proper to be done for securing prisoners.

9th Nov. 1715. Past by order of ye house of representatives.

Theo. Atkinson.

The Councill concur with ye above vote, & have accordingly chosen Robert Eliot & Mark Hunking, Esqs., to joyn wth ye gent^n afores^d for ye service aboves^d.

Pr. ord^r of Councill.

R. Waldron, Cleric. Con.

Adjourned to tomorrow, 10 o'clock, A. M.

Prov: of N. Hamp^{r}.

Mett again according to adjournm^{t}, being ye 10th inst.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

Saml Penhallow & Mark Hunking, Esqs., together wth ye Clerk, were sent down to ye house of representatives wth a letter superscribed to the Hon'^{ble} ye Genl Assembly of this Province, subscribed by John Usher, Esq., also to be read to y^{m} ye Minutes of Council relateing to the Publication of ye Hon'^{ble} Geo. Vaughan, Esq., his Commission to be Lt. Govr of N. Hampshire.

[P. 516.] Messrs. Joseph Smith & Richd Wibert were sent up to this board to pray ye Lt. Gov^{rs} favour, in allowing ye house of representatives a sight of his Honour's Commission.

The Clerk was sent by the Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr, to ye house of Representatives, with his honour's Commission & ord^{r} to read the Same publickly, in said house, which was accordingly done.

Col. Shadrach Walton was sent from ye house of representatives to ye Councill board to declare, in ye name of that house, that they were unanimously of opinion, y^{t} ye Hon'^{ble} Geo. Vaughan, Esq., his Commission to be Lt. Govr of N. Hamp^{r} was authentic & strong, & y^{t} Coll. Usher's was null & void.

Col. Shadrach Walton brought the following vote to this board:

Voted, That Col. Walton & Capt. Davis joyn wth two of ye Gent^{n} of the Councill, to wait on Col. Usher in answer to his letter, that we are satisfyed in Lt. Govr Vaughan's Commission for ye Goverm^{t} of this Province.

Pr. Ord^{r} of ye house of representatives.

10th Nov., 1715. Theo. Attkinson, Cleric.

The Councill concurr with ye above vote, & have chosen Robt Eliot & Samuel Penhallow, Esq., accordingly.

Pr. Order of Council.

R. Waldron, Cleric. Con.

Adjourned to 3 o'clock, P. M.

[P. 517.] Pro. of N. Hamp^r.

Mett again according to adjornm^t.

Present—As Before.

Mr. Saml Tibbets brought a lett^r to this board, directed to ye Genl Assembly, from John Usher, Esq., wch being opened & read, was sent down pr. ye Clerk to ye house of representatives.

The Clerk was sent down to ye house of representatives to inquire whether y^y had anything to offer to ye Councill: they answer, not at this Juncture.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: of N. Hamp^r.

Mett again according to adjornm^t, being the 11th Inst.

Present,

The Honble Geo: Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

Mr. John Dam brought up a vote from the low^r house to this board, appointing Col^o Walton to be of a Committee to make tole of ye money remaining unburnt, wch was sent down for amendm^t.

Mr. John Dam brought up a vote from ye house of representatives, to allow ye memb^rs of his Maj^ties Councill four shillings a piece pr. diem, during ye Session of the Generall Assembly.

[P. 518.] Theo. Atkinson, Esq., brought up ye following answer to ye hon'^ble Lt. Gov^rs Speech:

Att the last Session of ye Genl Assembly, a Committee was chosen to view the Fort at New Castle, and make Return of ye circumstances thereof, and according to their Return we shall proceed thereon.

Wee have chosen a Committee to look into ye Defects of ye Prison, and shall act ye needfull upon their Return.

Wee appoynt Coll. Walton in ye Room of Mr. Wingate, to see the Remains of Pro: Bills burnt; and order it to be done forthwith. As to the 1500 pounds left with a Committee to be let out, wee are satisfyed that they have done it and taken sufficient Bonds for the security thereof, and order them to be left in ye Custody of the p'sent Speaker of this House, Richd Gerrish, Esq.

Wee are Informed that his Excellency, Coll. Burges, will not be here this winter: So conclude it may seasonably enough to make Provision for his Reception at ye next Sessions of ye Genl Assembly.

By ord^{r} of ye House of representatives.

11th Nov., 1715. Theo. Atkinson, Clerk.

[P. 519.] Robt Eliot, Esq., was chosen of a Committee from this board to joyn with Col. Walton to make tale of ye remaind^{r} of ye Prov: bills Voted to be burnt by ye tenth of June last; who accordingly did tell over s^{d} Bills amounting to one hundred thirty-four pounds, nineteen shillings, wch wth what was burnt before, is the full sum of one thousand pounds; & wch were committed to ye flames & burnt in p'sence of s^{d} Committee & the Assembly.

Richard Waldron, Esq., was sent down to the house of representatives to desire ye house to explain y^{m}selves in these articles contained in y^{r} answer to ye hon^{ble} ye Lt. Gov^{rs} speech: viz., ab^{t} ye Committee for viewing ye Castle; ab^{t} ye Prison; & ab^{t} ye bonds taken for the fifteen hundred pounds.

The following Petition being Presented to this board by Messrs. Nath. Hill and Stephen Jones, was read in Councill as follows:

To the Honble Geo. Vaughan, Esq., Lieut. Govr, Councill & representatives, convened in General Assembly: The Humble Petition of his Maj'ties good subjects, ye Inhabitants of that part of the town of Dover commonly called Oyster river,

Most humbly sheweth:

Whereas by mutuall agreem^{t} the Inhabitants of Oyster River have, for many years past, made choice of their own Minister & paid his sallary, according to ye conditions of s^{d} agreem^{t} as it appears in Dover toun book of records, refference thereto being had, & that ye selectmen of ye toun in generall, (two whereof have been annually chosen wthin ye district of Oyster river) have all along made rates for ye severall ministers & taken care that the same be paid to [P. 520.] ye s^{d} ministers according to the sallaries they have been agreed wth for, untill of late, (viz.) ye last year's rate is either by ye neglect of ye Constable or ye selectmen, or both, so retarded, that ye minister wants subsistance; nor can we understand that ye selectmen have or are ab^{t} to make any rate this year for ye minister; so that, either some few of us must maintain a minister or we must be wthout one & return to Dover again, wch was thought a hardship more than forty years ago; & a liberty granted as above; & much more hard will it be now we are increased to double the number we then were; so that we most humbly pray yor Hon^{rs} will please to send for ye Constable & selectmen to answer for ye neglect as above, & that we may have pow^{r} granted us, as yor Hon^{rs} were pleased at first to grant unto ye Parish of Newington, (viz.) to chuse three or five p'sons annually, wch being chosen by a majority of voices present at such election, may assess & tax ye Inhabitants of our s^{d} Parish proportionably in a rate for ye discharging such a sallary as the Parish shall agree to settle upon any minister of the Gospell that we at p'sent have, or hereafter may be fixed amongst us; Likewise, that we may have pow^{r} to choose & settle a schoolmaster upon such terms as we shall agree, wthout any other regard to the town in generall than that ye Constable annually chosen at the general town meeting for collecting ye Prov: tax in our district, may also collect our Parish dues; And yor Petitioners shall ever pray, as in Duty bound.

Presented by Nath. Hill in behalf of ye subscribers.

Jeremiah Burnham,	Elias Critchet, jun.,
Stephen Jones,	James Nock,
Elias Critchett,	John Tompson,
Sampson Doe, [P.521.]	Joseph Jones,
Joseph Dudley,	John Chesley,

John Burnham,
David Davis,
Abraham Bennick,
John × Gray,—mark,
John Rawlins,
James Bickford,
Saml × Perkins,—mark,
Willm × Duly,—mark,
John Doe,
John York,
Joseph Chesley,
John × Cromell, mark,
John Buss, jun.,
Philip Chesley,
Joseph Davis,
John Tompson, sen.,
John Smith,
Willm Jackson,
David Kincaid,
Jonathan Chesley,
Volentine Hill,
Ichabod Chesley, jun.,
Thom^{s} Alin,
John × Sias,—mark,
Job Renholds,
Saml Chesley, jun.,
Saml × Chesley,—mark,
Cornelius Drisco,
Robt Burnham,
Peter Mason,
Jon^{a} Simpson,
Robt Tompson,
Saml Hill,
John × Renalls,—mark,
Josh^{a} × Davis,—
Moses Davis, jun.,
Willm Leathers,
Francis Pitman,
Ely Demeritt,
Naphlati Kincaid,
James Jackson,
Tho: Wille,
James Burnham,
Robt Huggins,
Jon^{a} Woodman.

The foregoing Petition being read at ye board, was sent down by ye clerk to ye house of Representatives.

Theo. Atkinson, Esq., p'sented a Memoriall to this board relating to the takeing bonds for ye fifteen hundred pounds subscribed by y^{t} Committee appointed to lett out s^{d} mony.

Adjourned to to-morrow, 10 o'clock, A. M.

[P. 522.] Pro. N. Hamp^{r}.

At a Councill & Genl Assembly held at ye Council Chamb^{r} in Portsmouth, by adjournm^{t}, Nov 12th, 1715.

Present,

The Honble Geo Vaughan, Esq., Lt. Govr.

Robt Eliot, Richd Waldron, } Esqrs. Saml Penhallow, Mark Hunking, } Esqrs.

Mr. Speaker Gerrish came to this board & brought wth

him several bonds, given by ye borrowers of the fifteen hundred pounds out of the treasury, & informed his hon^{r} that ye house of representatives was well satisfied with ye security given for s^{d} mony & ye lodgm^{t} of s^{d} Bonds.

Messrs. James Davis & Peter Wear came from the house of representatives to this board, to declare, in ye name of that house, that they were unanimously satisfyed in ye disposall of ye fifteen hundred pounds lent out of the Treasury.

James Davis, Esq., brought up a vote to this board relating to Oyster river Petition, wch was sent down for amendm^{t}.

Mr. Geo. Jaffrey brought ye following Petition to this board.

To the Honble ye Lieut. Govr & Councill:—

Whereas there is a report y^{t} a Compl^{t} is made agst ye legality of the choice of the representatives of the town of N. Castle; wch severall of this house is dissatisfyed att, & desire to be informed thereof.

By order of ye house of representatives.

12 Nov^{r}, 1715. Theo. Atkinson, Cler.

[P. 523.] The foregoing Petition being read in Councill, the Clerk was sent down to the house of representatives to Inform them, y^{t} ye Lt. Govr & Councill did not att p'sent know any thing of a Compl^{t} mentioned in ye Petition, & that when they do, information shall be given accordingly.

Theo. Atkinson, Esq., brought up the following vote from ye house of representatives to this board:

A Petition Presented pr. Capt. Nath. Hill from sundry inhabitants of the Parish called Oyster river, upon reading said Petition,—

Voted, That ye selectmen of Dover & ye Constable of that district called Oyster river be notifyed to attend ye next

session of ye Genl Assembly, & some of ye Petitioners appear likewise, wth ye town records relating to s^d Parish.

By order of ye house of representatives.

11th Nov., 1715. Theo. Atkinson, Cleric.

Eodem die.

Voted a concurrence in Councill, & ordered that ye clerk send a copy of s^d Petition to ye selectmen of Dover, together wth a summons to y^m ye s^d selectmen, & to ye s^d Constable abovementioned, to make y^r appearance at the Councill board on Monday, the 28th inst., to answer ye Compl^e exhibited ag^st y^m in said Petition.

By order of Councill.

R. Waldron, Cleric. Con.

[P. 524.] The Clerk was sent down to the House of representatives to desire them to come up to ye Councill board, in ord^r to have a Conference ab^t ye goal: They came accordingly, when his hon^r the Lieut. Govr informed them of the great difficulty of amending ye goal, by reason of ye unsuitableness of its situation, & gave his opinion y^t 'twas absolutely necessary y^t ye said goal should be removed.

Theo. Atkinson, Esq., brought up a vote from ye house of representatives relating to ye removeall of ye goal next year (1).

Mark Hunking, Esq., together wth ye Clerk, were sent down to the House of representatives by ye Honble ye Lt. Govr, to adjorn ye s^d house unto Monday, ye 28th of ye Inst. Nov^r, to which time the Genl Assembly of this Pro: stands adjorned.

Adjorned to Monday, ye 28th of 9^br, 10 o'clock, A. M.

(1) [From Journal of the House.]

Voted, That the Present Goal Remain where it now stands untill next year; and what is absolutely necessary to secure Prisoners yrin this winter, be forthwith done, and that next Spring this be removed, or a new one built in some other more convenient place, as the Generall Assembly shall think fitt.

12 Nov., 1715.

Pro. of N. Hamp^{r}.

Att the Councill Chamber in Portsm^{o}, 9^{br} 28th, 1715, By Adjornment.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Adjorned to Tuesday, Novr ye 29th, 1715, ten o'clock, A. M.

[P. 525.] Pro. N. Hamp^{r}.

Att a Councill & Generall Assembly held at Portsm^{o} by adjornment, Nov. 29th, 1715.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Robt. Eliot, Saml Penhallow, Esqs.

Adjorned to 2 o'clock, P. M.

Pro. N. Hamp^{r}. Met again According to adjornment.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Robt. Eliot, Richd Waldron, Saml Penhallow, } Esqs. Mark Hunking, John Plaisted, } Esqs.

James Davis, Esq., came to this board from the House of representatives, to inform that several the memb^{rs} of that house were absent, (viz.) those of Hampton, Exeter & Kingston, and to pray advice thereab^{t}.

The Lieut. Govr & Councill advised that there be forthwth summons exprest away to ye severall memb^{rs} belonging to ye severall towns afors^{d}, to give their attendance in Genl sessions.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp^{r}.

At a Councill & Generall Assembly held at Portsm^{o} by adjornm^{t}, 9^{br} 30th, 1715.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Robt. Eliot, Richd Waldron, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

John Wentworth, Esq.

Adjourned to to-morrow, 10 o'clock, A. M.

[P. 526.] Pro. N. Hamp^{r}.

At a Councill & General Assembly held at Portsm^{o} by adjornm^{t}, Dec. 1st, 1715.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Saml Penhallow, Esq., together with the Clerk, were sent down to the house of representatives to administer the [oathes] appointed by law instead of the Oathes of Allegiance and supremacy, unto Mr. Eph^{m} Marston, thereby to qualify him to be a memb^{r} of that house (1).

Adjorned to 2 o'clock, P. M.

Pro. N. Hamp^{r}. Mett again according to adjornment.

Present — as Before.

The Clerk was sent down to the house of representatives

(1) [From Journal of the House.]

Mr. Epha. Marston appearing and brought a certificate from Hampton, that he was chosen as Representative in the Room of Mr. Jabez Dow. 30 Nov^{r}, 1715.

wth a vote for the speedy printing of the Laws of this Province.*

Capt. Nath. Hill & Mr. Stephen Jones appeared at this board, in behalf of the subscribers of Oyster river Petition. The Selectmen of the Town of Dover also made their appearance to answer to the Complaint exhibited ag^{t} them in s^{d} Petition, as on file, bearing date Dec. 2^{d}, 1715.

The Constable complained of in s^{d} Petition did not appear,— return being made that he was very ill.

[P. 527.] Upon hearing both Parties:

Ordered, That they wthdraw for the p'sent & give their attendance again to-morrow at 10 o'clock, A. M.

In Councill,

Voted, That the Laws of this Province be forthwith printed.

Pr. Ord^{r} of ye Lt. Govr & Councill.

10^{br} 1st, 1715. R. Waldron, Cleric. Con.

Concurred wth pr. ye House of Representatives.

Dec. 1st, 1715. Pr. Ord^{r} Theo. Atkinson, Clerk.

Voted, That an Act be past concerning Banckrupts.

1 Dec. 1715. Pr. Ord^{r} of the House of representatives.

Theo. Atkinson, Clerk.

Pr. Order of the Lieut. Govr & Councill.

R. Waldron, Cleric. Con.

His Hon^{r} the Lieut. Govr asked the advice of the Councill ab^{t} renewing Commissions, & The Councill answer, That 'tis proper all Commissions wthin this Prov., both Civill & Military, be renewed, & that the sooner 'tis done the better.

Theo. Atkinson, Esq., brought up ye following vote of Concurrence to this board:

* The first *printed* edition of Province Laws was in 1716.
"Boston, in New England:
Printed by B. Green; sold by Eleazer Russel at his shop in Portsmouth, 1716."

In Councill,

Voted, That Sam[l] Penhallow and Jno. Wentworth, Esqs., be of a Committee from this board to Joyn [P. 528.] wth such as shall be chosen by the House of representatives to draw up an Act relating to Banckrupts.

Pr. Ord[r] of the Lieut. Gov[r] & Council.

Dec. 1, 1715. R. Waldron, Cleric Con.

Voted, That Capt. Davis & Col. Waldron joyn wth the gent[n] of his Majestie's Councill, as a Committee. By order of the House of representatives.

Theo. Atkinson, Cleric.

Dec. 1, 1715. Adjourned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp[r].

At a Councill and Generall Assembly held at Portsm[o] by adjornm[t], 10[br] 2[d], 1715.

Present,

The hon[b]le Geo. Vaughan, Esq., Lt. Gov[r],

Robt. Eliot,	Esqs.	John Plaisted,	Esqs.
Rich[d] Waldron,		Mark Hunking,	
Sam[l] Penhallow,		John Wentworth,	

Capt. Nath. Hill & Mr. Stephen Jones appeared at this board to prosecute their complaint ag[st] y[e] selectmen of Dover.

John Ambler & Joseph Mead[r], two of s[d] Selectmen, also appeared & p'sented a memorial referring to y[e] Dover Constable, as on file, bearing date, Dec[r] 2[d], 1715.

Ordered, That both p'ties withdraw.

Adjorned to 2 o'clock, P. M.

[P. 529.] Pro. N. Hamp[r]. Mett again, according to adjornm[t].

Present — as Before.

The Oyster river Petitioners & the adverse p'tie being called, made their appearance at this board.

Ordered, that both p'ties wthdraw & give their attendance at this board, at ye next sessions.

Ordered, That the Selectmen of Dover forthwth proceed to call to an account Jos. Davis, ye last years Constable for that town, in ye district of Oyster river, & see that he, the s^{d} Constable, make up his accounts & pay the money wch by warr^{t} he was oblidged to collect according to the precept in s^{d} warr^{t}, & in case the s^{d} Constable fail of his Duty, then to treat him as ye Law directs in such cases, and that the s^{d} Selectmen forthwth make an assessm^{t} as formerly, on the inhabitants of the Parish of Oyster river for * the support of the p'sent Minister, Mr. Buss, until another minister shall be called and settled in his room.

Pr. Ord^{r} of the Lieut. Govr & Council.

R. Waldron, Cleric. Con.

Mr. Treasurer Penhallow was sent down to the House of representatives wth ye Oyster river Petition, p'sented by Messrs. Hill & Jones, & the Counter Petition p'ferred by Messrs. Mead^{r} and Ambler, wth other papers relating to that matter; likewise a vote of the Councill thereupon.

[P. 530.] Saml Penhallow & John Wentworth, Esqs., were sent down to the House of Representatives, wth the Bill relateing to Banckrupts.

Theo. Atkinson, Esq., came to this board from the house of Representatives & declared in the name of y^{t} house, that 'twas in the pow^{r} of the Lt Govr & Council to give ord^{rs} respecting the Constable and Selectmen of Dover, wthout ye Concurrence of ye Assembly.

The Clerk was sent down to the house of representatives wth a vote for a Committee to supervise ye Laws in ord^{r} to their being printed, &c.

Adjourned to to-morrow, 10 o'clock, A. M.

* Rev. John Buss was the first minister who statedly officiated in Oyster river. His house and library was burnt by the Indians in 1694. He died, 1736, at the great age of 108. Farmer & Moore say, (*N. H. Gaz.*, "*Durham*,") that Mr. Buss "was never ordained." The above record *seems* to imply the contrary.

Pro. N. Hamp^{re}.

At a Councill & Generall Assembly held at Portsm^{o}, by adjornm^{t}, Dec. 3, 1715.

Present,

The Honble Geo. Vaughan, Esq., Lieut. Govr,

Saml Penhallow, John Plaisted, } Esqrs. Mark Hunking, John Wentworth, } Esqrs.

Theo. Atkinson, Esq., brought the Bill ab^{t} Banckrupts from the house of representatives to this board, & prayed that it might be enacted; which was done accordingly.

Theo. Atkinson, Esq., brought up ye following Vote of Concurrence to this board:

Voted, that John Plaisted & Mark Hunking, Esqs., together wth Mr. Sheriff Phipps, be of a committee to join wth such as shall be [P. 531.] chosen by ye house of Representatives to supervise ye laws of this Province, & to collect them into a body to be printed, & y^{t} ye clerk give his attendance on s^{d} Committee.

Pr. ord^{r} of ye Lieut. Govr & Councill.

Xb^{r} 3d, 1715. R. Waldron, Cleric. Con.

Voted, Mr. Speaker Gerrish, Maj^{r} Smith & Mr. Atkinson, joyn wth ye gent^{n} of ye Councill as a Committee.

By order of ye House. Theo. Atkinson, Clerk.

Xb^{r} 3d, 1715. Adjourned to Tuesday, Dec. 20th, 1715.

Pro. N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjornm^{t}, Dec. 20, 1715.

Present,

The Honble Geo. Vaughan, Esq., Lieut. Govr,

Richd Waldron, Saml Penhallow, } Esqrs. John Plaisted, Mark Hunking, } Esqrs.

John Wentworth, Esq.

The Clerk was sent down to ye house of representatives wth a vote ab^{t} a Constable's Watch, &c., viz:

In Councill,

Voted, That there be an Act past for a Constable's watch to be kept in each town within this Province, as the Justices thereof shall see meet, in ye night season, & y^t Saml Penhallow & Mark Hunking, Esqs., be of a Committee to draw up a bill accordingly.

By order of ye Lt. Govr and Councill.

10b^r 20th, 1715. R. Waldron, Cleric. Con.

[P. 532.] Mr. Geo. Jaffrey brought up ye following vote of Concurrence:

Voted, That Messrs. Jeffrey & Atkinson be a Committee to joyne wth a Committee of ye Councill to draw up an Act according to ye above vote. By order of the House of representatives.

20th Dec., 1715. Theo. Atkinson, Cleric.

Capt. Nathl Hill, in behalf of ye Petitioners of Oyster river, appeared at this board, & Messrs. Jno. Meader and John Ambler, in behalf of ye adverse p'tie. Both p'ties desired a longer time to accommodate y^r differences among themselves. Whereupon ye matter was suspended till ye next sessions of ye Genl Assembly.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp^r.

At a Councill and Genl Assembly held at Portsm^o by adjornment, Dec. 21st, 1715.

Present,

The Honble Geo. Vaughan, Esq., Lieut. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The Clerk was sent down to the house of representatives, to desire them to come to ye Councill board, in ord^r to a Conference. They accordingly came, where was recom-

mended to their consideration by ye Honble ye Lt. Govr, ye raising of money to defray ye accruing charge of ye Prov.; ye adjusting ye boundaries of ye several towns or Parishes; ye bringing Isle of Shoals & Kingston into ye Pub. tax.

Adjourned to-morrow, 10 o'clock, A. M.

[P. 533.] Pro. N. Hamp^r.

At a Councill and General Assembly held at Portsm^o by adjornm^t, 10^br 22^d, 1715.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The Clerk was sent down to ye house of representatives wth a Petition p'ferred by Mr. Tho. Partridge, as on file, bearing date Dec. 10th, 1715. Mr. Sherriff Phipps made a representation of the deficiency of ye Goal, &c., in writing, wch being read, was sent down by ye clerk to ye house of representatives.

The Clerk was sent down to ye House of Representatives wth a vote for building a Court-house in Portsmouth.

Mr. John Dam brought up a vote to this board for settling ye bounds of ye severall towns or Parishes w^thin ye Province, wch s^d vote was sent back to ye house of representatives for amendm^t by the Clerk.

Mr. Richd Wibert brought up a vote to this board for limiting ye number of Publick houses in each town w^thin ye Province.

Mr. Richd Wibert brought up the following vote to this board:

Voted Isles of Shoals be notified to send a representative ag^st ye next sitting of ye Assembly.

22d Dec., 1715, By ord^r. Theo. Atkinson, Clerk.

In Councill,

Voted a Concurrence.

Pr. ordr of ye Lt. Govr & Council.

R. Waldron, Cler. Con.

Adjorned to-morrow, 10 o'clock, A. M.

[P. 534.] Pro: N. Hampr.

At a Councill and General Assembly held at Portsmo by adjornmt Dec. 23d, 1715.

Present,

The Hon'ble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron,	Esqs.	John Plaisted,	Esqs.
Saml Penhallow,		Mark Hunking,	

Jno. Wentworth, Esq.

Theo. Atkinson, Esq., brought up a vote to this board limiting ye time of calling an Assembly.

Theo. Atkinson, Esq., brought up a vote to this board for a Committee to p'ambulate ye town or Parish bounds wthin this Province, wch was sent back to ye house of representatives (by ye Clerk) for amendmt.

The Clerk was sent down to the house of representatives wth a vote relating to town bounds, &c.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro: N. Hampr.

At a Councill and Generall Assembly held at Portsmouth by Adjournmt Dec. 24th, 1715.

Present,

The Honorable Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot,	Esqs.	Saml Penhallow,	Esqs.
Richd Waldron,		John Plaisted,	
Nathl Wear,		Mark Hunking,	

Theo. Atkinson, Esq., brought up ye following vote of Concurrence to this board.

Voted, That the town or Parish Bounds wthin this Pro-

vince be run, & a Committee be chosen accordingly, whose names are as follow:

Mark Hunking, Esq., } Portsmouth,
Capt. Richd Wibert, }

[P. 535.] Mr. Peter Wear, } Hampton,
Capt. Josh: Wingate, }

Nich^{o} Gillman, Esq., } Exeter,
Mr. Jon^{a} Wadleigh, }

James Davis, Esq., } Dover,
Capt. Tim^{o} Gerrish, }

John Frost, Esq., N. Castle,

Mr. Jon^{a} Sanburn, Kingston.

And what ye major Part of them do determine, shall be ye finall issue thereof; and that each of ye s^{d} Committee be allowed seven shillings pr. day for y^{r} service, to be paid out of their respective treasuries, and they to make returns of their doings to the Genl Assembly between this & ye tenth of May next.

Pr. ord^{r} of ye Lieut. Govr & Councill.

Dec. 23^{d}, 1715. R. Waldron, Cleric. Con.

Dec. 24th, 1715. Concurred with by ye house of representatives, & voted, That in case of any's neglecting or refuseing their service as above, ye selectmen shall have power to appoint others in their room. By ord^{r}.

Theo: Atkinson, Cler.

In Councill,

Voted a Concurrence.

Pr. ord^{r} of the Lt. Gov. & Councill.

R. Waldron, Cleric. Con.

[P. 536.] Mr. Geo. Jaffrey brought up a vote to this board for an Act to be past, making all book Debts, that shall be of more than two years standing, irrecoverable by law. (1)

(1) The giving of Credit & Book keeping, Being necessary in carrying on trade: But accts. long Depending, often prove of ill consequence, for preventing of which,

Voted, That no Book Debt shall be Recoverable from the Date hereof, that shall be of more than three years standing, unless ye debt be under forty shillings; & that an Act be drawn up accordingly wth necessary exceptions.—*Journ. of House.*

Theo. Atkinson, Esq., brought up the following Vote to this board:

Voted, That Star Island, one of ye Isles of Shoals, be a town by the name of GOSPORT. By ord^r of the house of representatives.

24th Dec. 1715. Theo. Atkinson, Cler.

In Councill,

Voted A Concurrence.

10^br 24th, 1715. Pr. ord^r of ye Lt. Govr & Councill.

R. Waldron, Cleric. Con.

This day the following vote (laid before this board two days agoe) was concurred w^th, viz:

Whereas ye multiplicity of Publick houses occasion many disorders,—

Voted, there be but six taverns in ye town of Portsmouth;

In the town of Hampton, three;

In the town of Dover, two; & Oyster river, one;

In the town of Exeter, two;

In the town of New Castle, two;

In the Parish of Newington, one;

And no more in the Province, & that all other tippling houses be Suppressed; the Justices at the quarter sessions to appoint & License the s^d taverns.

By Order. Theo. Atkinson, Cler.

22^d Dec. 1715.

In Councill,

Voted a Concurrence.

Dec. 24th, 1715. Pr. ord^r. R. Waldron, Cleric. Con.

[P. 537.] Messrs. Peter Wear & John Dam brought to this board from the house of representatives, a vote for p'senting to ye hon'^ble Geo. Vaughan, Esq., Lt. Govr, the impost & excise mony for one year, (viz:) from June last past to June next ensuing, in consideration of his good service done to this Province.

Saml Penhallow and Mark Hunking, Esqs., were sent

down to the house of representatives, to conferr wth that house ab^{t} the vote wch came from thence to ye Councill board, for p'senting his Hon^{r} Lt. Govr Vaughan wth the Impost and excise mony for one year, &c.

John Plaisted and Mark Hunking, Esqs., together wth the Clerk, were sent down to ye house of representatives to adjorn y^{t} house to Monday, ye 2^{d} Jany next ensuing, to wch time also ye Councill stands adjorned, viz., to ye 2^{d} Jan^{y}, 1715-6.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o}, by adjornm^{t} Jany 2^{d}, 1715-6.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron,
Saml Penhallow, } Esqs.
Mark Hunking,

A Letter from ye Honble ye Lt. Govr and Councill of ye Pro: of Mass^{a} to this Governm^{t} relating to the running ye Partition line between ye two Provs: of N. Hamp^{r} & Mass^{a}, bearing date Decr 26th, 1715, was read at this board, and is on file.

Mr. Josh^{a} Weeks p'ferred a Petition to this board for an Enlargement of ye Parish of Greenland; ye s^{d} Petition was signed by Sundry ye Inhabitants of Squamscutt Patent, as on file.

[P. 538.] Messrs. James Davis & Saml Tibbets came to this board to Informe y^{t} y^{re} was a full house of representatives (1).

(1) [From Journal of the House,]

2d January, 1715-6.

The House Mett,—Present.

Davis,	Marston,	Jaffrey,
Tibbets,	Gillman,	Wiberd,
Walton,	Thing,	Smith,
Atkinson,	Dam,	Weare.

The Speaker being not able, by Reason of Sickness, to Come to the house in order to settle the house, Major Smith chosen Speaker pro tempore.

Roger Thomas p'ferred a Petition to this board for mony Due to him for services done at ye Castle in ye years 1710–1711, bearing date Jany 2^d, 1715–6, as on file.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^r.

At a Councill & Genl Assembly held at Portsm^o by adjornm^t, the 3^d Instant, Jan., 1815–6.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs.

The Clerk was sent down to ye house of representatives to propose to them the allowing six taverns in Portsmouth.

The Clerk was sent down to the house of representatives wth two votes; ye one for having Tythingmen in each town w^thin the Prov: and ye other ab^t oblidging all p'sons to attend ye Publick worship of God once a month.

Adjourned to 2 o'clock P. M.

Pro: of N. Hamp^r. Met again according to adjornm^t.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. Mark Hunking, John Plaisted, } Esqs.

Mr. Saml Tibbets brought up ye two following votes of concurrence to this board:

In Councill,

Voted, That an Act be past that no book Debt shall be

recovered by Law that shall be of more than three years standing, [P. 539.] except ye s^d Debt be und^r forty shillings.

Pr ord^r of Lt. Gov. and Councill.

Jan. 3^d, 1715–6. R. Waldron, Cleric. Con.

Eodem Die. Voted a concurrence.

Pr. ord^r of ye House of representatives.

Saml Thing, Clerk.*

In Councill,

Voted, That An Act be past for ye suppressing of disord^rs in licensed houses, & in ord^r thereto, that tythingmen † be chosen and sworn in each town wth in the Prov.

Jan. 3^d, 1715–6. Pr ord^r of ye Lt. Govr & Councill.

R. Waldron, Cleric. Con.

Eodem Die.

Voted a concurrence.

Pr ord^r of ye House of representatives.

Saml Thing, Cleric.

Mr. Sam. Tibbets brought a vote to this board ab^t altering ye Courts, &c.

Capt. Saml Weeks & Mr. Eben. Johnson appeared at this board to prosecute ye Petition preferred yesterday by Mr. Josh: Weeks, for An Addition to ye Parrish of Greenland, wch Petition was read a second time: & it was, thereupon,

Ordered, Whereas there is a Petition p'ferred to y^s board by sundry ye Inhabitants of Squamscutt Patent, liveing on ye eastw^d side of the line running from Wall Creek to Hampton bounds, to be added to ye Parish of Greenland (and no body appearing to show cause why ord^rs should not be given [P. 540.] accordingly) That all the Inhabitants living on ye East side of ye line afores^d shall be and hereby

* Pro tempore.

† *Tythingman*,—in New England, a parish officer annually elected to preserve good order in the church during divine service, and to make complaint of any disorderly conduct.—*Web. Dic.* This appears to be the first mention of *tythingman* in the Province Records.

are joyned unto ye Parish afores^d, and there to pay ye minister's rates till further ord^ns.

Pr ord^r of ye Lt. Govr & Councill.

R. Waldron, Cleric. Con.

Adjorned to to-morrow, 10 o'clock A. M.

Pro. N. Hamp^r. At a Councill & Genl Assembly held at Portsm^o by adjornm^t, ye 4th Jan^y, 1715–6.

Present,

The Hon'^ble Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Adjorned to 2 o'clock, P. M.

Met again according to adjornm^t.

Present—as Before.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^r. At a Councill and Genl. Assembly held at Portsm^o by adjornm^t, Jan. 5th, 1715–6.

Present,

The Hon'^ble Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Saml Penhallow & Mark Hunking, Esqs., were sent down to ye house of representatives wth ye letter from ye Goverm^t of Mass^a, & to desire y^t house to do the needful thereab^t As soon as might be.

[P. 541.] The Clerk was sent down to the house of representatives wth a vote for a Committee to draw ye book Debt bill; also a vote for allowing Mr. John Partridge twenty pounds, & to desire their speedy consideration & resolve of ye matter mentioned in a letter from ye Mass^a Goverm^t,

(viz.) ab^{t} running ye partition line between their and our Province.

The Clerk was sent down to ye house of representatives wth a vote for addressing ye King; also wth a vote for a Committee, for auditing ye Publick Acc^{ts} of this Province, & to desire y^{t} house to consider a way for discharging ye debts of ye Prov. afores^{d}, for this p'sent year.

Mr. Ephraim Marston brought up ye following vote of concurrence to this board:

In Councill.

Voted, That Robt Eliot and Richd Waldron, Esqs., be of a Committee from this board, to joyn wth such as shall be chosen by the house of representatives, to draw up ye Book Debt Bill, & that it be done forthwth in ord^{r} to its being Past.

Pr ord^{r} of ye Lt. Govr & Councill.

Jan. 5th, 1715–6. R. Waldron, Cleric. Con.

Voted, In the House of representatives, Col. Walton & Capt. Wibert joyn as a Committee.

Pr ord^{r}. Saml Thing, Clerk.

Capt. Richd Wibert brought up ye following vote of concurrence to this Board:

In Councill.

Voted, That Richd Waldron, John Plaisted, & John Wentworth, Esqs, be of a Committee from this board for Auditing ye Publick Acc^{ts} of this Prov:

Jany 5th, 1715-16. Pr ord^{r}. R. Waldron, Cleric Con.

[P. 542.] Voted, That Maj^{r} Smith & Saml Thing, Esqs., & Mr. Geo. Jaffrey, be a Committee to joyn ye Gent^{n} of the Councill for auditing the Prov. accounts.

Pr. Order of ye House of Representatives.

5th Jan^{y}, 1715–6. Saml Thing, Cleric.

Mr. Saml Tibbets brought up a vote to this board for a Committee to run ye Dividing line between ye Prov. of Mass^{a} & N. Hamp^{r}.

The Clerk was sent down to the house of representatives wth ye Councill's vote for a Committee to run ye Partition line between ye s^{d} two Provinces.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp^{r}.

At a Councill and Genl Assembly held at Portsm^{o} by adjornm^{t}, Jany 6th, 1715–6.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Mr. John Dam brought up a vote to this board ab^{t} ye accrueing charge of this Prov^{e}, &c.

Mr. Richd Wibert brought up ye following vote of concurrence to this board:

In Councill,

Voted, That Saml Penhallow and Mark Hunking, Esqs., Maj^{r} Joseph Smith and Mr. Peter Wear, be of a Committee to joyn wth such as are chosen by ye Goverm^{t} of Mass^{a} to run ye Partition line between ye two Provinces, and that the s^{d} Comittee be allowed ten shillings pr Diem for y^{r} service; And further, [P. 543.] that Mr. James Jaffrey be Imployed in ye business to accomp^{a} said Committee.

Pr. ord^{r} of ye Lt. Govr & Councill.

Jan. 5th, 1715–6. R. Waldron, Cleric. Con.

Concurred with by the house of representatives.

6th Jan., 1715–6. Saml Thing, Clerk.

The House of representatives returned two votes to this board (by Mr. Saml Tibbets) not concurred wth, (viz.) ye vote for allowing Jno. Partridge twenty pounds, & ye vote ab^{t} ye profanation of the Sabbath.

Capt. Nathl Hill and Mr. Stephen Jones appeared at this board to prosecute their Petition ab^{t} ye Parish of Oyster river, &c.

Messrs. Meader and Ambler appeared also to prosecute y^r Counter Petition.

Ordered, That both Parties of ye Parish of Oyst^r river have from this to the tenth of March next ensuing further allowed them, to accommodate ye differences in s^d Parish, & at ye first sessions of ye Genl Assembly after ye s^d tenth of March, to make report of y^r doings to this board, in ord^r to a Confirmation thereof, or further ord^r thereupon.

P^r ord^r of ye Lt. Govr & Councill.

Jan. 6th, 1715–6. R. Waldron, Cleric. Coun.

Theo. Atkinson, Esq., returned the vote of Councill to ye Councill board for addressing his Maj^tie ye King, not concurred w^th.

Adjorned to ten o'clock to-morrow.

[P. 544.] Pro: N. Hamp^r.

At a Councill and Genl Assembly held at Portsm^o by adjournm^t, Jan. 7th, 1715-6.

Present,

The Hon'^ble Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

Theo. Atkinson, Esq., brought up a vote to this board relating to ye bounds of N. Castle.

Saml Penhallow & Mark Hunking, Esqs., were sent down to ye house of representatives wth a bill ab^t a constables' watch, &c.

Andrew Wiggin p'sented a Petition to this board for making Swampscutt Patent a township, wch Petition was ordered to be withdrawn.

Robt Eliot and Mark Hunking, Esqs., together wth the Clerk, were sent down to the House of representatives to adjorn them to Wednesday, and accordingly they were

Adjourned to Wednesday, ye 11th of ye Inst. Jan., 1715-6.

[End of the MS. volume of Province Records in the Secretary's office labeled, "Journal of the Council and Assembly, 1692–1716."—Ed.]

Journal of Council and Assembly, 1716-1728.

[Note by the Editor.]

The Records which follow in this volume, to 1722, are copied from a MS. volume in the Secretary's office, labeled, "JOURNAL OF THE COUNCIL & ASSEMBLY, 1716–1728." The PAGE in the margin denotes the corresponding page in the MS. volume.

[P. 1.] Prov. N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, Jan. 11th, 1715-6.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Nathl Wear,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

The Clerk was sent down to the house of Representatives to carry a bill for suppressing Disord^{rs} in licensed houses.

Adjourned to to-morrow, 10 o'clock A. M.

Pro: N. Hamp^{r}.

At a Council & Genl Assembly held at Portsm^{o} by adjornm^{t}, Jan. 12, 1715-6.

Present,

The Hon$^{'ble}$ Geo. Vaughan, Esq., Lt. Govr,

Robert Elliot,	Esqs.	Saml Penhallow,	Esqs.
Nathl Wear,		John Plaisted,	
Richd Waldron,			

The Clerk was sent down to the house of Representatives to motion to them there coming into an Address to the King.

Nathl Wear & Richd Waldron, Esqs., were sent down to the house of Representatives to inform them y^{t} ye vote they sent up to this board ab^{t} N. Castle bounds was a matter out of their sphere.

Adjorned to ten o'clock to-morrow, A. M.

[P. 2.] Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, Jan. 13th, 1715–6.

Present,

Robert Eliot, Richd Waldron, Nathl Wear, } Esqs.

Saml Penhallow, John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Col. Walton brought up a vote to this board for ye house of Representatives joyning wth the Councill to address the King, as on file, dated Jan. 13th, 1715–6.

Mr. Peter Wear brought ye bill for a Constables' watch, to this board, from the house of Representatives.

The Clerk was sent down to the house of Representatives wth a vote for a Committee to draw up an Address to ye King, viz: Richd Waldron & Saml Penhallow, Esqs., of the Council.

Mr. Geo. Jaffrey brought up the following vote of concurrence to this board:

In the House of Representatives,

Voted, That Theo. Atkinson, Esq., & Geo. Jaffrey, be ye Committee of this house to joyn ye Committee of ye Councill to draw up an Address congratulatory to his Maj^{ties} upon his preservation from plots & conspiracies agst his sacred person & goverm^{t} according to ye vote of this house.*

Pr order, Theo. Atkinson, Cler.

13th Jan., 1715–6.

In Council.

Ordrd, That ye Clerk write a letter to ye Govern^{r} of Mass. in ye name of this Goverm^{t}, in answer to their letter ab^{t} ye partition line of ye two Provinces.

R. Waldron, Cler. Con.

A letter was wrote accordingly, as on file, dated Jan. 16th, 1715–6.

Adjourned to Thursday, ye first of March, 1715–6.

* This Address is not found on file.

[P. 3.] Pro. N. Hamp^{r}.

At an Especial Session of ye Councill & Genl Assembly at Portsm^{o}, Feb. 6th, 1715–6.

Present,

The Honble Geo. Vaughan, Esq., Lt. Governor,

Saml Penhallow, Jno. Plaisted, Jno. Wentworth, } Esqs.

Mr. Sheriff Phipps was sent down to the House of Representatives, to desire their p'sence at ye Councill board; they came accordingly, where Joseph Smith, Esq., informed the board of ye indisposition of Richd Gerrish, Esq., their speaker, & prayed they might have liberty to adjourn to s^{d} Gerrishes house. His Hon^{r} ye Lt Govr answered, he had somew^{t} to offer to them as they were ye representatives of ye people of this Prov: but as yy [they] had no speaker p'sent, they were no house; whereupon they withdrew, & presently returning again p'sented Joseph Smith, Esq., their Speaker pro tempore, & then was read to them his Hon^{ns} ye Lt. Govr speech, as followeth:

Gentm,—When you were here at yor last sessions, we saw nothing that would demand yor attendance till March, the time appointed for yor meeting; but sundry things intervening, it was ye advice of his Maj^{ties} Council to call you together this day. What I have to offer you, I hope will not admit of a long debate, & yor resolves may be speedy. I have sundry times recommended ye matter of ye prison's deficiency to yor consideration; you are not insensible of two men's escaping thence; but upon application to his Hon^{r} Col. Tailer, of ye neighboring Goverm^{t}, he issued out his Ord^{rs} for apprehending them, so that one of them is returned to prison, & ye other secured in Salem goal in order to be sent hither. By restoring ye first, ye Prov: hath saved at least 300 lbs., wch the creditors were ab^{t} to sue for, & would have infallibly recovered; & by both, we laid under great obligations to that Goverm^{t}. I am to inform you 'twas ye advice of ye Councill, y^{t} a guard of two men should be placed over the prison, till ye Court of goal delivery [P. 4.] comes in its turn, wch is next week, whereby an accrueing charge lies on ye Goverm^{t}, & doubtless yor care will prevent it for the future.

I would observe to you that where no discipline & rigor is to punish offenders, there can be no expectation of a civil decorum; and where no prison in a commonwealth, no restraint from illegal behaviour and trespasses, so that our goverm^{t} is but a name, and not the thing.

I am informed that ye Laws are fitted for the press.* Mr. Treasurer Penhallow has been at Boston, and tells me he hath discoursed ye Printer, as he can inform you. I am of opinion no time should be lost; yor mony lies dead in ye treasury, so y^t we have no advantage in delay.

Gent^n,—I have another thing to inform you, but whether it concerns you as representatives of yor People I shall not determine; but as you are my neighbors I think it incumbent to let you know y^t I have received a letter from ye adm^rs on the estate of Sir Charles Hobby, Deceased,† who, as they relate, did buy half the title of this Province; how farr it respects you, you may consider. They offer you the purchase; but I am of opinion Goverm^t hath

* A copy of the first printed edition of the Laws of the Province of New Hampshire, —somewhat imperfect—is found in the Library of N. H. Historical Society. The following is the title page.

ACTS
and
LAWS
Passed by the
GENERAL COURT
or
ASSEMBLY
of his Majesties
Province
of
New Hampshire.
G [L. S.] R.
Boston in New England:
Printed by B. GREEN; sold by ELEAZER RUSSEL,
at his shop in Portsmouth.
1716.

†*Sir Charles Hobby*

Was son of William Hobby, of Boston, one of the wardens of King's Chapel in 1693. Savage (Gen. Dic.) says, Charles was "fortunate in being knighted for his brave conduct at the earthquake, 1692, in Jamaica; or else the consideration (1) mentioned in Hutchinson, II, 153. He was a member of the Artillery Co., and its Captain, 1702 and '03, and Colonel, I believe, of the Boston regiment; but most known here, as not one of such life as '*should have recommended him to the clergy of N. E.*'" Yet he was sent over to London with letters from "some of the most pious ministers," to our agent, Sir William Ashurst, a true Puritan, strongly urging "that he might be appointed the governor instead of Dudley." Hutchinson does not say that his connexions, the two Mathers, were writers of those letters, of which there can be no doubt; but he adds, that "Ashurst himself, after his acquaintance with Hobby, reproves and censures them." Luckily for our country, Sir Charles did not prevail, came back, perhaps, and died in 1715, but not in Boston. His estate was insolvent. Of his inventory, 23d April, 1716, "deeds for half the Province of New Hampshire" is one of the latest items; but, as in derision, put down at nothing. Seven slaves are at the head, whose aggregate is £300. It appears also, that in 1711 Sir Charles was appointed deputy governor of Annapolis (Nova Scotia), and that he accompanied Col. Nicholson on his expedition to Canada. His purchase of one half of New Hampshire was made of Thomas Allen, Esq., in 1706.—ED.

(1) The consideration referred to was the payment of £300 sterling.—ED.

nothing to do wth purchase, but especially wthout his Maj^{ties} royal license had & obtained. Of the two former I doubt not but you will take effectual care, & the sooner you do it you may return to ye management of yor own private affairs. I know ye season of the year calls you to your respective businesses. If you think of any thing by way of preliminary y^{t} you can advise me in (to give ye Commissioners of ye Prov: appointed to meet ye Commissioners of Mass^{a} to run the partition line between the two Goverm^{ts}) you have now an opportunity. W^{t} I have further to offer, I shall defer till your session in course, which is a more leisure season of the year.

GEO. VAUGHAN.

Feb. 6th, 1715–6.

After reading ye foregoing Speech there were read two letters, (viz.) a letter from ye Goverm^{t} of Mass^{a} ab^{t} the divisional line, &c., & a letter from ye adm^{rs} on ye estate of Sir Charles Hobby, as on file, both dated Jan. 30th, 1715–6.

Adjourned to 10 o'clock to-morrow, A. M.

[P. 5.] Pro: N. Hamp^{r}.

Att a Councill & Genl Assembly held at Portsmo' by adjournment, Feb. 7th, 1715–6.

Present,

The Honble Geo: Vaughan, Esq., Lt. Govr,

Saml Penhallow, Jno. Plaisted, } Esqs. Mark Hunking, John Wentworh, } Esqs.

Theo. Atkinson brought up ye following answer to his Hon^{rs} the Lt. Govr Speech.

In the house of Representatives.

The 12th of Novemb^{r} last, a Committee made a return ab^{t} ye Prison, upon wch we voted the needfull y^{r}on.

As to the Laws, we expect the Committee appointed to collect & revise them, make a report thereof to the Genl Assembly, upon which we desire they may be printed so soon as may be, according to our former vote.

As to ye title of the land, We are of the same opinion, that as representatives it does not concern us.

We desire that the Committee appointed to run the line between the Mass^{a} & this Province be impowered to act & proceed thereon, when they have notice from the Mass^{a} Goverm^{t}.

Pr. order of the House.

7th Feb., 1715–6. Theo. Atkinson, Cler.

The Clerk was sent down to the house of Representatives to inform them y^{t} ye present session was at an end, & that they stood adjourned as before, viz: March 1st, 1715–6.

[P. 6.] Pro. N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournment, March the first, 1715–6.

Of the Honble the Councill,

Richard Waldron, Saml Penhallow, } Esqs. John Plaisted, John Wentworth, } Esqs.

The Clerk was sent down to the house of Representatives to inform them of his Hon^{rs} ye Lt. Gov^{rs} indisposition, which prevents he being p'sent in Councill this day, but that he was in hopes of seeing them in Genl Assembly to-morrow, &c.

Adjourn^{d} to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjornm^{t}, March ye second, 1715–6.

[Present as before.]

The Clerk was sent down to the house of Representatives to acquaint y^{m} wth the continuance of his Hon^{r} the Lt. Govr indisposition & to adjourn them to Tuesday, the 3^{d} day of April next ensuing, &c.

Adjourned to ye 3^{d} April, 1716.

[P. 7.] Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, April the third, 1716.

Present,

The Hon'^{ble} Geo: Vaughan, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Jno. Wentworth, } Esqs.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, April 4th, 1716.

Present,

The Hon'^{ble} Geo: Vaughan, Esq., Lt. Govr,

Saml Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

Robt. Elliot, Esq.

Saml Penhallow, Esq., presented a Petition to this board in behalf of Saml Cutts for a grant of pow^{r} for selling some of his ye s^{d} Cutts' land to pay his debts, he being as yet in his nonage; wch Petition being read was sent down to ye house of Representatives & is on file, bearing date March 4th, 1715–6, &c.

Mr. Treasurer Penhallow presented a memorial or estimate of the present state of ye Prov: to this board, wch being read was sent down to ye house of Representatives.

The Clerk was sent down to ye house of Representatives wth a vote of Councill for ye selling Saml Cutts' interest or estate in land at Oyster river, according to his petition aforementioned; also wth a vote for building a Court House at Portsm^{o}.

Theo: Atkinson & James Davis, Esqs., appeared at this board in behalf of the House of Representatives, to confer ab^{t} a proper place for ye situation of the Goal, &c.

[P. 8.] James Jaffrey p'ferred a Petition to this board, & is on file, dated April 4th, 1716, to be admitted to swear before the Lt. Govr and Councill y^{t} his estate is insolvent, &c., according to an Act made & past by the Genl Assembly of this Prov: entituled an Act ab^{t} Bankrupts, &c., wch s^{d} Petition being read, he, the s^{d} Jaffrey, was admitted to swear, who made oath as follows (viz.): That some short time since he was arrested for debt by the sheriff & that at the time of such arrest his estate was insolvent & not capable of paying the debts due to ye creditors of s^{d} estate; Whereupon it was ordered that John Frost, Esq., Messrs. Richd Wibird & Clement Hues be commissionated & appointed to receive the claims of all such as are creditors to s^{d} estate, & to proportion the same according to the claims, y^{t} each creditor may have his proportion of s^{d} estate.

R. Waldron, Cler. Con.

Adjourned to 10 o'clock to-morrow, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjourm^{t}, April 5th, 1716.

Present,

The Hon. George Vaughan, Esq., Lt. Govr,

Robt Eliot, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The Clerk was sent down to the House of Representatives wth a vote for a Committee, viz., Col. Jno. Plaisted & Col. Mark

Hunking, to view his Majestie's Fort at N. Castle, & to make report of ye state & condition of s^d Fort, together wth w^t stores are belonging thereto, & w^t repairs are necessary for the same.

The Clerk was sent down to the House of Representatives wth a vote for Mr. Treasurer Penhallow either to buy or hire a boat for his Maj^ties Castle, Wm. & Mary.

The Committee appointed to supervise & collect a body of Laws for the Press have this [P. 9.] day made their return, wch being read at this board was sent down to the house of Representatives.*

Adjourned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp^r.

At a Councill & Genl Assembly held at Portsm^o, by adjournm^t, April 6th, 1716.

Present,

The Honble Geo^r. Vaughan, Esq., Lt. Govr,

Saml Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

5th April, 1716, In ye House of Representatives.

Voted Capts. Davis & Wibert a Committee to joyn Jno Plaisted and Mark Hunking, Esqs., as a committee to view his Maj^ties Fort at N. Castle, & make report thereof according to the vote from the Councill, as on file. By order.

Theo. Atkinson, Cler.

The Clerk was sent down to the House of Representatives wth ye following resolve:

In Councill.

Resolved, that the Publick be exempt from any charge in procuring land to sett the prison on, & that the town of Portsmouth pay the necessary charge of y^t Place where the same is to stand, viz., by the Alms-house in the town field.

R. Waldron, Cler. Con.

April 6th, 1716.

The Gen^tn of the Parish of Oyster river, of both p'ties, appeared at this board according to ye order of Councill in Jany last; & Mr. Stephen Jones p'sented a Petition and remonstrance of their proceedings since ye afores^d Jan^y, in order to a friendly agreem^t, &c. the Petition, &c., is on file, dated April 6th, 1716.

Adjourned to to-morrow, 10 o'clock.

* The Comitte for revising and Printing the Laws made their Returne, as on file,—forty-nine in number—ordered, that they be printed forthwith.—*Journ. of House.*

[P. 10.] Pro. N. Hamp.

At a Councill & Genl Assembly held at Portsm^o, April 7th, 1716.

Present,

The Honble George Vaughan, Esq., Lt. Govr,

Saml Penhallow, John Plaisted, } Esqs. Mark Hunking, Jno Wentworth, } Esqs.

Col. Shadrach Walton brought Saml Cutt's Petition to this board from the house of Representatives, wth ye following vote of Concurrence in answer to the same:

In Councill.

Voted, that the Petition preferred in behalf of Saml Cutt be granted, that is to say, that his farm or interest at Oyster river be sold to the best advantage, & the mony improved to his the s^d Cutt's service.

April 4th, 1716. R. Waldron, Cler. Con.

Concurred wth in the House of Representatives.

Pr. Ord^r. Theo Atkinson, Cler.

7th April, 1716.

The Clerk was sent down to the House of Representatives to desire them to finish their business wth all possible speed, &c.

The Committee appointed to view the Fort, &c., made their return to this board, which being read, was sent down to the house of Representatives by ye Cler.

Mr. Saml Tibbets brought a vote for allowing Benj. Akerman seven pounds pr. Annum for the future for his service in waiting on the Governm^t.

Theo. Atkinson, Esq., brought up the following votes to this board:

[P. 11.] Voted, that there be a Prison built in the town of Portsm^o, at the expense of ye Prov.; ye s^d town to provide land to sitt it on wth conveniency for Yard-room at their charge, & that the timb^r of the old be improved therea^bt, so far as may be convenient, & that Messrs. James Davis & Geo. Jaffrey are a Committee of this house to see it immediately effected, & the treasurer to supply money for discharging ye cost thereof.

That the building a Court House be suspended for a time.

We desire ye Committee for auditing the Publick acc^ts to give notice when they will examine them, & when done to make their return of all debts, upon which at our next meeting we will repeat mony for paym^t of them that shall be allowed by the Genl Assembly, & for whatever else may then be needful.

And in case his Excellency Col. Burges arrive here before our meeting next,

Voted, That the treasurer supply for his reception, & that his entertainm^{t} be at Col. Packer's house. And upon his arrival

Voted, Messrs. Gerrish & Atkinson & Jaffrey to be messeng^{rs} from this house to joyne wth such to be chosen by the Council to Compliment & Congratulate his arrival.

7th April, 1716.

Past in the House of Representatives.

Pr. Ord^{r}. Theo. Atkinson, Clerk.

The Clerk was sent down to the house of Representatives to adjorn that house to Tuesday ye first day of May, to wch time the Genl Assembly stands.

Adjorned to May 1st, 1716.

In Councill voted, y^{t} ye Gent^{n} of ye Councill joyn with ye Committee from ye house of Representatives to congratulate Col. Burgess* on his arrival.

April 7th, 1716. R. Waldron, Cler. Con.

[P. 12.] Pro. N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjornm^{t}, May 1st, 1716.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow, John Plaisted, Mark Hunking, } Esqs.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro. N. Hamp^{r}.

[Met according to adj^{t} and adj^{d} to meet at 3 o'clock, P. M.]

* Colonel Eliseus Burges, who had served under General Stanhope, was by his recommendation commissioned Governor of Massachusetts and New Hampshire, in 1715. Burges wrote a letter to the Assembly in July, in which he informed them of his appointment, and of his intention to sail for America in the following month. But Sir William Ashurst with Jeremy Dummer, the Massachusetts agent, and Jonathan Belcher, then in London, apprehending that he would not be an acceptable person to the people of New England, prevailed with him, for the consideration of one thousand pounds sterling, which Dummer and Belcher generously advanced, to resign his Commission; and Colonel Samuel Shute was appointed in his stead to the command of both provinces."— *Farm. Belk.*, p. 183.

Pro. N. Hamp^{r}.

Met according to adjornm^{t}.
Present, as before,
Also Robt Eliot, Esq.

The Committee appointed for auditing ye publick accounts of this province, made a report to ye board of their proceedings in that affair, which being read was sent down to the house of Representatives.

Hugh Banfield p'ferred a Petition to this board, wch being read was sent down to the house of Representatives, together wth a vote of Councill thereupon, pr. ye Clerk.

The Clerk was sent down to ye house of Representatives wth a vote for suspending ye hearing of ye case between Maj. Vaughan and Edward Cate, till ye arrival of another Governor.

Mr. Geo. Walker p'sented a Petition to this Board, wch was read.

Both p'ties of ye Parish of Oyster river appeared at this board to p'secute ye affairs ab^{t} ye Parish.

Adj^{d} to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

Met according to adj^{t} and adj^{d} to meet at 3 o'clock, P. M.

[P. 13.] Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjornm^{t}, May 3, 1716.

Present,

The Honble Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

The House of Representatives sent back Hugh Banfield's petition to this board together wth ye vote of Councill thereab^{t} not concurred wth, by Mr. Eph^{r} Marston, as also ye vote for suspending ye case between Maj. Vaughan & Edwd Cate not concurred wth.

The clerk was sent down to ye house of Representatives wth ye Petitions & papers relating to ye differences at Oyster river.

The Clerk was sent down to ye house of Representatives, to desire them to come to y^{e} Councill board to confer ab^{t} y^{e} printing y^{e} Laws, & ab^{t} Maj. Vaughan's & Edw. Cate's case.

Adjorn^{d} to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjornm^{t}, May y^{e} 4th, 1716.

Present,

The Hon$^{'ble}$ Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

Mr. Eph^{r} Marston brought up y^{e} following vote to this board:

In the House of Representatives,

Voted, That y^{e} Lt. Govr & Councill may further continue y^{e} appeal depending between Maj^{r} Wm. Vaughan, Esq., & Edward Cate, any law, usage or custom to the contrary notwthstanding.

Pr. Ord^{r}. Theo. Atkinson, Clerk.

4th May, 1716.

Eod^{m} die. In Councill.

Voted a concurrence.

R. Waldron, Cler. Con.

[P. 14.] Major Gillman brought up ye following vote to this board:

In answer to the Petition of Capt. Nathl Hill and the people of Oyster river,

Voted, That ye agreem^{t} of ye toun of Dover wth y^{t} part of ye toun called Oyster river ab^{t} maintaining a minister among them at their own cost & charge be confirmed; & that ye new meeting house built there, be the place of ye publick worship of God in that District, and established a distinct District wth all rights & privileges belonging to a Parish, wth full power & authority to call & settle a minister there & make assessm^{t} for ye paym^{t} of his Sallary & all other Parish charges, equally on ye several inhabitants wthin y^{t} district, & annually to chuse five p'sons, freeholders wthin said Parish, to make ye tax & manage all affairs of the Parish, & y^{t} p'sons so chosen, wth a Justice of the peace of this Province, shall, whenever they see cause, call a Parish meeting to transact any matt^{rs} concerning ye Parish, & y^{t} ye first meeting be on Monday ye 14th instant, at ye afores^{d} meeting-house, & y^{t} John Thompson, ye present constable of that District, notify ye inhabitants y^{rs}of; and further, that all p'sons that have of late years paid to ye minister there, shall continue to pay y^{r} proportion to him y^{t} shall succeed in s^{d} office.

4th May, 1716. By order of the house of Representatives.

Theo. Atkinson, Cler.

Eod^{m} die. In Councill.

Voted, a concurrence, His Hon^{r} ye Lt Govr assenting y^{r}to.

R. Waldron, Cler. Con.

Capt. Tim^{o} Gerrish p'sented a Petition to this board, wch was read.

Adjourned to to-morrow 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, May 5, 1716.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Rich^{d} W ldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

[P. 15.] The clerk was sent down to ye house of Representatives with a bill for continuing ye case depending between Maj^{r} Vaughan & Edw. Cate.

Mr. Marston brought up a vote to this board, for allowing ye Councillors 5s. per diem, during the time of Genl Sessions.

Saml Penhallow & John Plaisted, Esqs., were sent down to the house of Representatives to confer wth ye house ab^{t} amending y^{r} vote for allowing ye Councillors 5s per diem.

Col. Smith & Mr. Jeffrey brought up ye bill to this board ab^{t} Maj. Vaughan's case, with some exceptions agst the same.

Mr. Jeffrey brought up ye vote for allowing ye counsellors 5s per diem, wth this amendment (viz.), y^{t} ye Lt. Govr is inserted in s^{d} vote wth an allowance equal to a memb^{r} of Council.

Col. Waldron & Col. Hunking together wth ye clerk, were sent down to ye house of Representatives, to adjourn to Monday, ye 14th of ye inst. May.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, May 14th, 1716.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. John Plaisted, John Wentworth, } Esqs.

Col. Jos. Smith & Mr. Geo. Jeffrey came to this board & desired in ye name of ye house of Representatives, y^{t} two field pieces & one barr^{l} powder might be sent into each toun wthin this Province.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly held at Portsm^{o} by adjournm^{t}, May 15th, 1716.

Present,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

[P. 16.] Mr. John Dam brought up ye following list of debts to this board, together wth ye votes thereupon:

Pro: N. Hamp^{r}, May 1st, 1716.

No. 1.	Col. Shadrach Walton for Disbursm^{t}, &c., at Fort,	£23: 18: 0
2.	Col. Smith for Expenses,	2: 14: 0
3.	Capt. Josh. Wingate, for entert^{mt} of Lt. Jno. Usher,	4: 16: 0
4.	Mr. Treasurer Penhallow's acct. ab^{t} mony p^{d} Col. Smith for going to Boston, & added to his account No. 5,	00: 00: 0
5.	Mr. Treasurer Penhallow for disbursem^{t},	38: 15: 0
6.	Theo. Atkinson, Esq., for service in the house of Representatives,	02: 12: 6
7.	Benj. Akerman for going post to Newbury,	00: 08: 0
8.	Richd Waldron, Jun., as clerk to the Council,	55: 00: 0
9.	Col. Thom^{s} Packer for expences of ye Governm^{t},	75: 00: 0
10.	Thom. Phipps, Esq., for services as sheriff,	14: 18: 0
11.	Wm. Fellows, for expences of ye Governm^{t},	25: 8: 7
	To the Committee for Supervising ye Laws, for sitting eight days, at 5s. pr. diem, wh^{r}of Richd Gerrish, Esq., was absent two days,	13: 10: 0
	To the Committee of Audits for sitting four days, Col. Smith p'st each day, Col. Plaisted & ye clerk p'st three days, John Wentworth, Esq., & Mr. Jeffrey, p'st two days, & Col. Waldron one day,	03: 15: 0
12.	Dr. Pike for medicines for ye Ind^{ns},	09: 0: 0
13.	Capt. Phipps for copying Laws for ye Press,	05: 0: 0
14.	Geo. Walker for his horse to Hampton, 18d., & Jno. Hooker for riding him, &c., 2s. 6d.,	00: 04: 0
	The Sum total is two hundred & seventy-four pounds, nineteen shill^{s} & 1d.	£274: 19: 1

14 May, 1716. This return is allowed of by ye house of Representatives, & pray y^t ord^r may be issued for paym^t thereof. By order.

Theo. Atkinson, Cler.

In Councill.

May 15, 1716. Voted a concurrence.

R. Waldron, Cler. Con.

[P. 17.] Col. Waldron desired that inasmuch as ye town of Dover was now come to an agreem^t the Petition p'ferred by Capt. Tim^o Gerrish, May 3^d, 1716, for reconciling ye differences in that town might be withdrawn, Whereupon it was,

In Councill

Ordered, That ye s^d Petition be Dismist.

R. Waldron, Cler. Con.

Mr. John Hinkes p'ferred an account to ye Councill board, together with a certificate out of ye Councill Records, bareing date May 15, 1716, wch said account & certificate being read at ye board were sent down to the House of Representatives.

A Petition preferred May ye 3^d, 1716, by Mr. Geo. Walker, was read and sent down to the house of Representatives.

A petition preferred by Mr. Geo. Walker, May ye 2^d, 1716, was read, as on file.

Capt. Richd Wibird brought up a vote to this board ab^t a Petition y^t was dismist by ye Councill: ye vote is on file, dated May 15, 1716.

Adjourned to to-morrow, 10 o'clock A. M.

Pro: N. Hamp^r.

At a Councill & Genl Assembly held at Portsm^o by adjournm^t, May 16th, 1716.

Present,

The Hon'^ble Geo: Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Mr. John Dam brought up a vote to this board ab^t ye ministers of Portsmouth, as on file, dated May ye 16th, 1716.

Adjourned to to-morrow, 10 o'clock A. M.

[The following from the *Journal of the House*, appears to be the vote above referred to.]

For preventing of any future disturbance and difference that has or may arise in ye Town of Portsm^o^ ab^t^ ye ministers' sallary in ye Town:

Voted, That the subscribers to and constant hearers of ye Rev. Mr. Rogers, at ye new meeting-house, be Impowered and Inabled, by an Act, to support him there in the ministry, by an equal assessm^t^. on themselves; and that they be excused paying any thing towards ye support of any other minister in ye s^d^ town, untill named and chosen by an Assembly of all ye freeholders of ye town, according to an Act of Genl Assembly of ye 11th May, 1714; and that ye hearers of Mr. Emerson have ye same power for raising his sallary among themselves.

Col. Smith desents against the above vote.

[P. 18.] Pro: N. Hamp^r^.

At a Councill & Genl Assembly held at Portsm^o^ by adjournm^t^, May 17th, 1716.

Present,

The Hon'^ble^ Geo: Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Col. Walton brought up three votes to this board, (viz.) A vote for repeating ye fifteen hundred pounds in the treasury; a vote for continuing the Excise Act one year; & a vote for a gratuity for killing wolves, wch are as follows:

Upon perusal of ye state of the Province by ye return of the Committee for auditing ye Publick accounts, & by the Treasurer's memorial, find there will be but a small sum left in ye treasury after the debts are paid, &c.

Voted, That the fifteen hundred pounds now in the treasury be repeated for paym^t^ of the Province charges, as shall be approved of pr. ye General Assembly; & out of the remaining mony (if any there be) two hundred pounds be lett to the Lt. Govr, Col. Vaughan & the rest to others, all on ye like security, that the former fifteen hundred pounds was lent at: Messrs. Wear & Davis, a Committee of this house for letting out ye mony & taking security therefor.

Messrs. Jeffrey & Atkinson, Committee of this House, to draw up an Act accordingly.

By order of ye house of Representatives,

16th May, 1716. Theo. Atkinson, Cler.

In Councill.

Voted A concurrence; & that Sam[l] Penhallow & John Plaisted, Esqrs., joyn wth y[e] Gent[n] above mentioned as a Committee for y[e] service above s[d].

May 17th, 1716. R. Waldron, Cler. Con.

[P. 19.] Voted, That the Act for Excise be continued for the ensuing year.

By order of the house of Representatives.

16 May, 1716. Theo: Atkinson, Cler.

In Councill.

Voted A Concurrence wth y[e] above vote.

R. Waldron, Cler. Con.

May 18, 1716.

Considering the Publick damage done in this Province by wolves; for y[e] Prevention whereof & incouragem[t] of those that shall destroy them;

Voted, That there be out of the Publick Treasury paid to each p'son that shall bring a Certificate from y[e] selectmen of the town or parish w[r]to they belong, that they have killed a grown wolf, fifty shillings, besides y[e] bounty granted by each town.

By order of the house of Representatives.

16 May, 1716. Theo: Atkinson, Cler.

In Councill.

Voted a concurrence w[th] y[e] above vote.

R. Waldron, Cler. Coun.

May 17[th], 1716.

The Clerk was sent down to the house of Representatives wth a vote for an Act to be past for abateing one of the two thousand pounds (to be paid into the treasury this year) till y[e] year 1721, as follows:

In Councill.

Whereas there is two thousand pounds to be paid into the Treasury this p'sent year, 1716, by virtue of an Act of the Gen[l] Assembly; & whereas there is a very great scarcity of mony at this time: —

Voted, That there be an Act past for suspending the paym[t] of one of the s[d] two thousand (P. 20.) pounds into the Treasury, till the year one thousand seven hundred and twenty-one; & that y[t] other thousand pounds be paid according to the afores[d] Act, &

y^t Saml Penhallow & John Plaisted, Esqs., be of a Committee for ye service above.

R. Waldron, Cler. Con.

May 17, 1716.

Concurred in the House of Representatives. Messrs. Jeffrey & Atkinson of this house for a Committee.

Theo. Atkinson, Clerk.

The Clerk was sent down to the house of Representatives wth the vote they sent up ab^t an Act for Excise, for amendm^t; also wth a vote of this house for passing an Act for Impost & Excise for ye year ensuing.

Col. Richard Waldron & Col. Mark Hunking, Esqrs., were sent down to the house of Representatives to confer with that house ab^t their vote for an Act for Excise.

Adjourned to to-morrow, 10 o'clock A. M.

Pro: N. Hamp^r.

At a Councill & Genl Assembly held at Portsm^o by adjournm^t, May 18th, 1716.

Present,

The Hon'^ble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Mr. Saml Tibbets brought up a vote to this board for new proportioning ye taxes of the several towns w^thin this Province.

The Clerk was sent down to ye house of Representatives wth a vote for taking off ye 5 pr. cent. for bringing this Province bills into ye treasury; which vote was returned, not concurred.

James Davis, Esq., brought a vote to this Board ab^t ye Petition p'ferred by Capt. Pickerin, May 15, 1716, together wth a certificate out of ye town Records of Portsm^o, relating to s^d Petition, which s^d vote & certificate are on file.

[The following is from the *Journal of the House.*]

The Petition of Cap. Jno. Pickerin & others, read and considered of; upon which,

Voted, That is a scandalous Reflection and false accusation against ye selectmen of ye town of Portsmouth, who have fairly settled the town acc^ts and brought them into Publick town meeting, and there voted to ye satisfaction of ye freeholders of s^d town, as appears by a certificate from ye Town Clerk.

[P. 21.] Mr. Marston brought up a vote to this board ab^{t} Grammar schools, wch was sent down p^{r} ye Clerk for amendment.

The Councill this day voted a concurrence wth ye vote of ye house of Representatives, Dated X^{br}, 24, 1715, ab^{t} ye disposition of ye last year's Impost & Excise mony, wch votes are as follows:

Voted, That considering ye good service done to this Province by the Honble the Lt. Govr Geo. Vaughan, Esq., by us gratefully acknowledged, but by reason of our poverty, and being several thousand pounds in Debt, we are not able at this time to *retaliate* according to ye willingness of our minds, but would pray yor Hon^{r} at present to accept of ye Income of one year's Impost & Excise already collected or to be collected from ye 10 of June last past, untill ye tenth of June next, as now established. p^{r} ord^{r} of ye house of Representatives.

Theo: Atkinson, Cler.

24th Decem^{br}, 1715.

May 18, 1716. In Council.

Voted a Concurrence wth ye above vote.

R. Waldron, Cler. Con.

Mr. Marston brought up ye vote to this board ab^{t} Grammar Schoolmasters, wth ye necessary amendments, wch was concurred wth in Councill, & is as follows:

Whereas there is an Act for keeping free Schools in each town in this Prov: for further encouragem^{t} of learning:—

Voted, That where any Parish is sett off from any town to maintain a minister by themselves, they shall have pow^{r} wthin themselves to agree wth a publick schoolmaster, & to build or hire a School house, as they shall think convenient; & during his being in s^{d} Parish, they be excused paying to ye free school of ye town, provided it be a Grammar school.

May 18th, 1716. Pr order ye house of Representatives.

R. Wibird, Cler. pro tempore.

Eodem Die. In Councill.

Voted a concurrence.

R. Waldron, Cler. Con.

[P. 22.] The Clerk was sent down to the house of Representatives wth a vote for joyning ye Isles of Shoals to N. Castle.

The Clerk was sent down to the house of Representatives to lay three bills before that house in order to their being passed into Acts: (viz.) A bill ab^{t} repeating y^{e} £1500 in the Treasury; ab^{t} suspending ye paym^{t} of one of ye two thousand pounds to be

brought into the Treasury this year; & ab^{t} Maj^{r} Vaughan's case wth Mr. Cate.

It being moved in Councill y^{t} 'twas necessary for some capeable p'sons to oversee ye Repairs of ye Fort, ye Councill desired his Hon^{r} ye Lt Govr & Col. Hunking to act in that affair.

Adjourned to tomorrow, 10 o'clock A. M.

Pro: N. Hamp^{r}.

At a Councill & Genl Assembly, held at Portsm^{o} by adjournm^{t}, May 19th, 1716.

Present,

The Honble Geo. Vaughan, Esq. Lt. Govr,

Richd Waldron, John Plaisted, } Esqs. Mark Hunking, Saml Penhallow, } Esqs.

Mr. Marston brought up ye following vote to this board concurred wth.

In Councill.

Voted, That ye Inhabitants of ye Isles of Shoals shall joyn with N. Castle Inhabitants in raising & collecting all public taxes for his Maj'ties service, for defraying ye publick charge of the Province; & ye Inhabitants of Isle Shoales afores^{d} may appear at N. Castle on ye next publick town meeting, and then & there chuse an assess^{r} & constable for ye Isles of Shoales, & shall be notifyed accordingly.

May 18, 1716. R. Waldron, Cler. Coun.

Concurred in ye House of Representatives.

P^{r} ord^{r}. Theo. Atkinson, Cler.

[P. 23.] The three following bills were passed in both houses, & this day signed and sealed (viz.): A Bill for continuing ye case depending between Maj. Vaughan and Edwd Cate; A Bill for suspending ye paym^{t} of one of ye two thousand pounds payable into ye treasury this year, untill ye year 1721; and a bill repeating ye fifteen hundred pounds in the treasury.

So far gone, &c. & ye act for repeating £1500, & cutting off 1000. } His Hon^{r} the Lt Govr this day dissolved ye House of Representatives.

Pro: N. Hamp^{e}.

At a Genl Assembly* held at Portsm^{o}
Augst 21st, 1716.
Present,
The Honble Geo. Vaughan, Esq. Lt. Govr,
Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.
John Wentworth, Esq.

Mr. Sherriff Phipps made return of his p'cept for calling An Assembly wth ye names of ye several p'sons elected to represent ye several towns wthin this Province, who are as follows:

For Portsm^{o}.

Richd Gerrish, Esq.,
Mr. Geo. Jaffrey,
Mr. Richd Wibird.

For Hampton.

Col. Joseph Smith,
Maj. Peter Wear,
Mr. Eph^{a} Marston.

N. Castle.

Theo. Atkinson, Shad. Walton, } Esqs.

Exeter.

Capt. Jno. Gillman,
Lt. Jno. Gillman.

Dover.

James Davis, Esq.,
Mr. Saml Tibbetts.

Kings^{to}.

Mr. Saml Eastman.

Strath^{m}.

Mr. Wm. Moore.

Newington.

Capt. Jno. Downing.

Col. Hunking & Jno. Wentworth, Esq., together wth the Clerk, were sent down to the house of Representatives, to administer ye oaths appointed by law to be taken, to ye p'sons elected to represent ye several towns wthin this Prov: y^{re}by to qualify them to serve his Maj^{ties} in y^{t} capacity.

[24.] The Clerk was sent down to the house of Representatives to desire their attendance at the Councill board: They came accordingly. Y^{e} Lt. Govr proposed to them ye chusing a speaker & settling their house, in order to their proceeding upon ye King's service. Then ye Representatives withdrew & made choice of Richd Gerrish, Esq. for y^{r} speaker, who was well accepted. Then his Hon^{r} ye Lt. Govr made ye following Speech to

*The "*Councill*" which heretofore has been named in the Record, is henceforth omitted. For what reason unknown. It appears, however, that a new Clerk was chosen, viz., Richd. Wibird.

ye Genl Assembly, the house of Representatives being present at the Councill board:

Gent.: I have had thoughts of convening an Assembly some time since, & think there is great occasion for one; but the harvest of hay & English corn season caused me for a while to defer it, not being willing to injure any one, nor especially the publick good.

The occasion of dissolving the last Assembly was very distasteful to me: y^re is a particular duty lyes on me as on you: on me, not to suffer ye revenues of ye crown to be lessened, & on you to support the honor and dignity thereof.

Gentlemen of ye Lowr house:

The matter of Impost is what every Governm^t in ye world doth but we. I have all ye inclinations imaginable to give full satisfaction to ye whole Governm^t, & to this Assembly in p'ticular in all things wth in my reach; but 'tis unhappy we cannot all reason alike. It would rejoice me y^t care might be taken to rend^r ye Administration of Governm^t easy, that Laws might be punctually observed, y^t evils may be redressed, y^t you will put trade & custom on ye foot which is just, and may lessen the publick taxes.

Gent^n: I would have an Act past for ye Treasurer to state ye accounts of ye Province, that we may know w^t money has been emitted, how much paid in, how much burnt, how much lent, how much out, what revenue has been to ye Prov: this ten years by those two branches of Excise & impost, where the mony is, & how imployed, y^t we may know our condition.

[P. 25.] I hope you will have regard to the state of ye Province in Genl, y^t ye hon^r of the King's government may be kept up & may not be lessened by any sinister methods or faction.

I think it reasonable y^t pedlars & petty chapmen be provided ag^st, by an Act oblidging all & every strang^r retailer of any commodity of ten pounds value, or that publickly shall sell to that value of things inanimate, give security to answer their assessm^t within every town in this Province where the sales shall be made. I think it reasonable, y^t those that stand by the stuff should have ye benefit of traffick to enable them to support ye honour of governm^t; that an Act be made oblidging all town officers to do their duty on oath, p'ticularly all assessm^n, & that a town meeting be called at any time, at ye instance of ten freeholders; And that a Law be provided for ye maintenance of ye clergie & paym^t out of ye publick treasury, that they may be honourably supported, & y^t for ye future none be called but by advice of ye major part of those already settled, or such as shall be; & that each town wth in this Province that shall be destitute, shall be liable to a penalty provided in s^d Act, believing many good consequences may attend so good an essay. I hold it necessary y^t excise be *settled by a law.* I am of opinion y^t ye Prov: has already lost two hundred pounds for want of an Impost. I would lett you know y^t yor powd^r house has been broken open & three locks forced. I hope you will be gratefull to Mr. Willm Wallis, who has received & forwarded yor addresses, &c; & y^t they have been delivered to ye King and received very graciously is evident pr ye Lond^n Gazette. These,

with other necessaries I hope you'l do wth all imaginable dispatch, & y^{t} no consideration may retard your good purposes.

GEO. VAUGHAN.

After the foregoing Speech was read, it was delivered to y^{e} Speak^{r} of the House of Representatives.

Adjourned to to-morrow, 10 o'clock, A. M.

[P. 26.] Pro. N. Hamp^{r}.

At a Genl Assembly, held at Portsm^{o} by adjournm^{t}, Aug. 22^{d}, 1716.

Present,

The Hon$^{'ble}$ Geo: Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth, by adjournm^{t}, Aug. 23^{d}, 1716.

Present,

The Hon$^{'ble}$ Geo. Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, John Wentworth, } Esqs.

James Davis, Esq., brought up an answer to y^{e} Lt. Govr Speech.

Adjourned to 2 o'clock, P. M.

Met according to adj^{t}.

Present, as before.

Richd Waldron & Jno. Plaisted, Esqs., were sent down to the House of Representatives to confer with that house upon some heads contained in their answer to ye Lt. Gov^{rs} Speech, wch s^{d} answer was left wth s^{d} house to be altered if they should see meet.

The clerk was sent down to the house of Representatives wth a vote ab^{t} tunnage of vessels, &c.

Adjourned to to-morrow, 10 o'clock, A. M.

[P. 27.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjournm^{t}, Aug. 24, 1716.

Present,

The Hon$^{'ble}$ Geo: Vaughan, Esq., Lt. Govr,

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Saml Penhallow, Esq., & y^{e} Clerk was sent down to y^{e} house of Representatives wth a vote for settling fees on y^{e} officers of y^{e} Admiralty, custom house & on ye naval officers; also to recommend to their consideration ye alteration of some of ye fees already settled.

Mr. Marston brought up the following answ^{r} to ye Lt. Gov^{rs} Speech, wth Such alterations as ye House of Representatives saw meet to make, since ye s^{d} answer was left wth ye house to be reconsidered. He also brought up to ye board ye Councill's vote ab^{t} tunnage of vessels — not concurred wth.

In Answer to his Honrs. Speech.

We are sensible of ye duty incumbent on this house to provide for defraying ye publick charge of ye Prov: & to support ye hon^{r} & dignity thereof, which we are of opinion is most reasonable to be done by an equal tax on all p'sons & estates wthin the Same.

We find pr. ye Journal of this house there has been Standing Committees from time to time, who have examined all ye treasurer's accounts, wch upon their return have been approved of & accordingly voted pr. ye Genl Assembly; but all accounts Since such vote, we expect to inspect into, & desire y^{t} ye treasurer lay them before this house seasonably; & that he forthwth make a calculation of what Sum of bills of credit of this Province have been omitted, what have been returned into ye treasury, what burnt, what repeated, & what lett out & to whom, & ye times limitted when ye whole is to be called in.

[P. 28.] The Act already in being ab^{t} swearing town officers, we are of opinion is sufficient, & as to calling town meetings, we think ye Law has made sufficient provision therefor; as also for pay^{mt} of ministers sallaries.*

Pr. Ord^{r} of ye house of Representatives.

Aug. 22^{d}, 1716. R. Wibird, Clerk.

* The House made two alterations in their first answer to the Lt. Gov.'s Speech. (1) After the first paragraph: "That this house doe not proceed on an Act of Impost for the ensuing year." (2.) After the third paragraph — "but, that there be An Act drawn up obligging such town or parishes that shall willfully neglect to call and settle an orthodox minister, to pay toward the Support of ye ministry in the Town or Parish they sprang from, or to the neighboring Town, after six months such neglect."

Pro: N. Hamp^{r}.

Met according to adjournm^{t}.

Present as before.

Col. Richd Waldron & Col. Mark Hunking, Esqs., were sent down to the house of Representatives to recommend to their consideration ye presenting his Hon^{r} ye Lt. Govr wth the sixty pounds wch would have been due to his Excellency Col. Dudley, had not Col. Vaughan published his Lt. Govr Commission & taken upon him ye administration of ye governm^{t}.

The Clerk was sent down to the house of Representatives wth a vote for drawing up of forms & p'esidents for oaths, writts, summons, &c., in order to be printed.

Mr. Marston brought up a vote to this board ab^{t} providing for Col. Shute's reception.

Joseph Davis p'ferred a petition to ye Genl Assembly for an Act to be passed for a special court, that he might have his tryal for accidentally killing a child. The petition being read at ye Councill board, it was sent down to ye house of Representatives pr. ye Clerk.

Capt. Jno. Gillman brought the following vote to this board from ye house of Representatives concurred with.

[P. 29.] In Councill.

Voted, That there be p'sidents & forms of oaths, writts, summons, &c., considered and drawn up by a Committee of both houses in ord^{r} to be printed with y^{e} body of Laws.

Augst 24, 1716. R. Waldron, Cler. Con.

24th Augst, 1716. Concurred wth in y^{e} house of Representatives.

R. Wibird, Clerk.

Adjourned to 10 o'clock to-morrow.

Pro: N. Hamp^{r}.

At a Genl Assembly at Portsm^{o} by adjournm^{t} Augst 25th, 1716.

Present,

The Hon$^{'ble}$ George Vaughan, Esq., Lt. Gover^{r},

Robt Eliot,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

Maj^{r} Wear & Capt. Gillman came to this board, to pray in behalf of y^{e} house of Representatives, y^{t} whereas it was Saturday, & nothing lying before that house, that they might be dismist.

The Clerk was sent down to ye house of representatives wth a vote of Councill for lodging ye bonds y^t are ye security for ye mony lent out of ye Treasury, in some uninterested p'sons hands.

Mr. Tibbets brought up ye following vote to this board, concurred with.

In Councill.

Voted, That the Committee appointed to supervise & collect a body of Laws for ye press, be ye Committee for drawing up ye forms and p'sidents for oaths, writts, summons, &c.

Aug^st 24, 1716. R. Waldron, Cler. Coun.

Concurred,—Pr. order of house of Representatives.

R. Wibird, Clerk.

Mr Eastman brought up a vote to this board for Capt. Gerrish's keeping ye bonds given for ye security of ye mony lent out of ye Treasury, wch vote was returned by ye clerk not concurred w^th.

Prorogued to Wednesday, ye 12, 7^br, 1716.

[P. 30.] Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o, by Prorogation, Sept. 12, 1716.

Present,

The Hon'^ble George Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^r.

[Met according to adj^t,—Present as before Except John Plaisted, Esq.]

Mr. Sheriff Phipps made a representation to this Board of ye deficiencies of ye Goal in writing; wch being read, was sent down to ye house of Representatives pr. ye Clerk.

Tim^o Davis, jun^r, presented a Petition to this board, directed to ye Genl Assembly, against Walton Hull's becoming a banckrupt, wch being read was sent down to ye house of Representatives pr. ye clerk.

Col. Smith brought back Tim^o Davis's petition from ye house of

Representatives, & gave ye opinion of that house (viz.), y^t Walton Hull, ye s^d Tim^o Davis's Deb^r, could have no benefitt by ye Act ab^t banckrupts.

Adjourned for two hours.

Pro: N. Hamp^r. Mett again according to adjournm^t.

Present in Councill
as Before.

The Clerk was sent down to ye house of Representatives wth a vote for swearing all town officers.

Mr. Jno Gillman returned ye vote ab^t swearing town officers to this board, concurred w^th, as follows:

In Councill.

[P. 31.] Voted, That all town officers for ye future shall be sworn before a Jus^t of Peace, before they enter upon ye execution of their respective offices.

Sept. 13th, 1716. R. Waldron, Cler. Con.

Concurred wth in ye house of Representatives,

R. Wibird, Cler.

Adjourned to to-morrow, 10 o'clock A. M.

Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o
by adjournm^t, Sept. 14th, 1716.

Present in Councill,

The Hon'^ble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. Mark Hunking, Jno. Wentworth, } Esqs.

The Clerk was sent down to ye house of Representatives wth a vote for running all ye town bounds w^thin this Province, wch vote was returned from ye house of Representatives to ye Councill board, not concurred w^th,* pr. Mr. Eph^a Marston.

The Clerk was sent down to ye house of Representatives wth a vote ab^t ye reception of Col. Shute.

Adjourned to to-morrow, 10 o'clock A. M.

* The following vote was passed by the House Sept. 13th.

Voted, That ye bounds of each Town & parish within this Pro: shall be run & bound, Renewed once in three years; and that the Proprietors of all unfenced lands that are in common, shall run ye lines once in two years, the same to be done by ye Lot layers of each Town or Parish, under penalty, and the party refusing or neglecting shall forfeit twenty shillings for every neglect.

Pr. order of the House.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}, by adjournm^{t}, Sept. 15th, 1716.

Present in Councill,

The Honble Geo. Vaughan, Esq. Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

His Hon^{r} ye Lt. Govr layed a memorial before this board, ab^{t} settling new townships & running a highway from Kingston to Northfield.

[P. 32.] Saml Penhallow and Mark Hunking, Esqs., were sent down to the house of Representatives to lay ye memorial ab^{t} laying out new townships before the House, & to desire their speedy dispatch of any matters lying before them.

The following vote was returned from ye house of Representatives to this board concurred with.

In Councill.

Voted, That Mr. Treasurer Penhallow make provision for the reception of Col. Shute, when he shall arrive in this Governm^{t}, & y^{t} mony be reserved in ye treasury therefor, (viz.) one hundred pounds, & y^{t} those Gen^{t} appointed to wait on Col. Burgess,* in case he had come o^{r} Gove^{r} to congratulate him on his arrival, be desired in like manner to wait on Col. Shute, w^{n} he shall arrive, to complim^{t} him in behalf of this governm^{t}.

Sept. 14, 1716. R. Waldron, Cler. Con.

Voted a concurrence in ye house of Representatives.

R. Wibird, Clerk.

The house of Representatives answer to ye sheriff's remonstrance ab^{t} ye Goal, is, y^{t} there is care already taken ab^{t} s^{d} Goal, wch answer is on file, dated 7^{br} 15, 1716.

The house of Representatives sent up a vote to this board for suspending ye consideration of laying out a new highway to Northfield, & making new touns, till next sessions.

Adjourned to Thursday, 27th inst.

* See Council Rec., Oct. 27th & 29th, 1715, Note.

[P. 33.] Met and adjourned to 28th.

Pro: N. Hampr.

At a Genl Assembly held at Portsmo
by adjournmt, Sept. 28th, 1716.

Present in Councill,

The Hon'ble Geo. Vaughan, Esq., Lt. Govr,

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Capt Jno Gillman brought up ye Act abt fees to this board & declared yt ye house of Representatives are satisfyed wth yt Act as it now is, & yt they will not proceed to alter it.*

Adjourned for 2 hours.

Pro: N. Hampr.

Met according to adjournmt.

Present in Councill,

As before.

Mr. Marston brought up a vote to this board about printing ye table of fees.

The Clerk was sent down to ye house of Representatives wth a vote for amending ye table of fees & then to have them printed, &c.

Mr. Jno. Gillman brought up a vote to this board for altering ye place of ye Courts sitting wthin this Province.

Adjourned to to-morrow, 10 o'clock, A. M.

[The following is the vote of the House.]

Whereas the Courts have been kept, formerly at the several towns within this Province, wch must needs be a benefitt to the Towns where they are holden,

Voted, That for the future the Courts be kept at the times and days by Law appointed, and at the several Towns as followeth, viz:

At *Portsmouth*, the two Courts of Governor & Councill to lay [?] Appeals, as also one Superior Court of Judicature in ye month of February, and the General Quarter Sessions of the Peace, with the Inferior Court of Common Pleas following the said Sessions of Peace, to be kept in the month of Decembr, annually.

At *Hampton*, one Superior Court in ye month of August, the

* Voted, That the Law for regulating the fees be printed with the other Laws. *Journ. of House.*

General Quarter Sessions of Peace & Inferiour Court, following in the month of Septr Annually.

At *Dover*, the Generall Quart^{r} Sessions of Peace with the following Inferiour Court above said in the month of June annually.

At *Exeter* the General Quarter Sessions of the Peace & ye following Inferior Court of Common Pleas in the month of March yearly.

Pr. Order of the House of Representatives.

Sept. 28th, 1716.

Desents from this Vote,

Richd Gerrish,
Geo. Jaffrey,
Richd Wibird,
Jno Downing.
Journ. of House.

[P. 34.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjournm^{t}, Sept. 29th, 1716.

Present, in Councill,

The Hon'^{ble} Geo. Vaughan, Esq., Lt. Govr,

Ric^{d} Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Saml Penhallow and Mark Hunking, Esqs., together wth ye Clerk, were sent down to the house of Representatives to adjourn them to Wednesday, ye twenty-fourth of October next ensuing.

Adjourned to ye 24th, 8^{br} next.

Pro: N. Hamp^{r}.

8^{br} 24, 1716. The Genl Assembly was Prorogued to 9^{br} 21. The Genl Assembly is again prorogued to 10^{br} 5.

Pro: N. Hamp^{r}.

Dec. 5, 1716. This day ye House of Representatives was dissolved.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} January the tenth day, 1716–7.

Present,

His Excellency SAML. SHUTE,* Esq., Govr,

His Hon^{r} Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow, John Wentworth, Richd Gerrish, } Esqs.

Theo. Atkinson, Geo. Jaffrey, Richd Waldron, } Esqs.

Tho. Westbrook, Esq.

This day his Excellency the Govr took ye oath of abjuration, as also did Geo. Vaughan, Esq., Lt. Govr, and Saml Penhallow, John Wentworth, Richd Gerrish, Theo. Atkinson, Geo. Jaffrey, Richd Wibird & Tho. Wentworth, Esq., & Subscribed the Same.

Thos Phipps, Esq., high Sheriff, made return of ye Assembly men chosen to represent the Severall towns of this Province, whose names are as follows:

Portsmo.
[p. 35.] Col. Jno. Plaisted,
Capt. Geo. Walker,
Mr. Eph^{a} Dennet.

Hampton.
Col. Jos: Smith,
Maj. Pet^{r} Weare,
Mr. Eph^{a} Marston.

Exeter.
Capt. John Gillman,
Lt. John Gillman.

Dover.
Capt. James Davis,
Mr. Saml Tibbets.

N. Castle.
Capt. Jotham Odiorn,
Capt. Hugh Reed.

Kingston.
Mr. Saml Eastman.

Stratham.
Capt. Andrew Wiggin.

Newington.
Mr. Jno Dam.

The Sheriff was sent down to ye House of Representatives to call them to ye Councill board, who came accordingly, where were administered to them ye oaths instead of ye oaths of allegiance and Supremacy; also ye abjuration oath, which they sub-

* Samuel Shute, Governor of Massachusetts & New Hampshire, was the son of an eminent citizen of London. His mother was the daughter of Mr. Caryl, a dissenting minister of distinction. His early education was under the care of Charles Morton. From London he was sent to Leyden, and afterwards entered the army of King William, served under Marlborough and became a Lieutenant. He was wounded in one of the principal battles in Flanders. Arriving at Boston as Governor, Oct. 4, 1716, in the place of Dudley, he continued in office a little more than six years. He first came to New Hampshire, October 17th, 1716. [*See Council Rec.*, Vol. II, p. 695.] As the Records serve to show, his administration was embittered by animosities among the Councillors, by conflicts of opinion with Lt. Gov. Vaughan, and by opposition from the Representatives. He returned to England, in January 1723, and died April 15, 1742, aged 80 years. [*Allen's Biog. Dic.*]—ED.

scribed to; wch matter being finished, his Excellency desired them to w^th^draw & settle their house, wch they did, & afterward p'sented John Plaisted, Esq., ye Speaker, who was well accepted. [Jos. Smith was chosen Clerk.*] Then his Excellency made a Speech to both houses, a copy whereof was delivered to ye Speaker of ye House of Representatives. It is as follows:

Gentn: It is to me a great pleasure & Satisfaction y^t^ his Maj^tie^ has been pleased to make me Govr over a Province where ye people have always signalised themselves in their duty and Loyalty to their Prince. Give me leave to assure you, y^t^ one now fills ye throne of Great Brittain, in whose royall p'son all virtues are mett, wch in their proper turns shines forth in strong light; a Prince whom God has graciously caused to trample upon ye necks of his unnatural enemies, who conspired against him and his royal family, even without ye least semblance of reason; so that by ye preservation of ye illustrious house of Hanover, the dark & gloomy shades of Popery and Slavery wch were surrounding us from every side are dispersed, & we have now bright and happy views before us of ye long enjoym^t^ of ye most valuable blessings of life, our Religion & Liberty.

Since therefore, under his Maj^ties^ most auspicious reign we enjoy such protection & happiness, I question not but we are mett this day wth minds fully disposed to do everything that may be for his Maj^ties^ service & ye good of this Province.

I shall therefore principally recommend to you, that in your severall stations you will endeavour to extirpate vice wch tends so much to ye dishonour of God and our Holy Religion; that virtue may meet wth its just rewards, & that if there be any divisions among you they may be amicably adjusted.

I also recommend to you that all the Laws already made be duely putt in execution, [P. 36.] and if you can think of making any new ones that may promote your trade and credit, and thereby render this a happy and flourishing Province, you shall be always sure of my hearty concurrence.

Gen^t^: There is one thing the king has strictly commanded me to observe to you, wch is, that tho^h^ there has been two acts Parliament made in England, & a very good Law here for ye preservation of the Pine trees that are or may be serviceable for his Maj^ties^ Royal Navy, yet still great wasts are committed in the woods of this Prov: of New Hampshire.

I make therefore no doubt that out of a just regard to his Maj^ties^ command, & also to your own interest, wch in this affair is so happily linckt to that of Great Britain, that his Majesty's pleasure will be for ye future entirely complyed with, and the offenders punished.

Gentm. of the House of Representatives:

It is to your most immediate care that matters relating to ye support & defence of this Prov: belongs; wch I, therefore, recom-

* The Assembly Booke & papers sent for to Capt. Richard Wibird, the late Clerk, who delivered them to the Speaker.—*Journ. of House.*

mend to you; and I question not that since I assure you that I am arrived here with hearty intentions to p'serve you in all your religious & civil rights, to do you all the good I can, & to guard against what may be hurtfull, that you will also think w^{t} may be necessary for my support.

SAML. SHUTE.

Jan. 10th, 1716–7.

Adjourned to Friday next, 10 o'clock, A. M.

Pro: N. Hamp^{r}:

At a Genl Assembly held at Portsm^{o} by adjournm^{t} Jan. 11th, 1716–7.

Present,

His Excellency Saml Shute, Esq., Governor,

His Hon^{r} Geo: Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo: Jaffrey,	
John Wentworth,		Shad. Walton,	
Richd Gerrish,		Richd Wibird,	

Tho. Wentworth, Esq.

This day Mark Hunking, Esq., Mr. Sherrif Phipps & Richd Waldron,* Cler. Con: took ye oathes of abjuration and subscribed the same.

Adjourned for 2 hours.

[P. 37.] Met according to adjournm^{t}.

Present as Before.

Richd Waldron, Esq., Judge of Probate, appeared at ye Councill board & prayed the advice of His Excellency the Govr Councill ab^{t} granting letters of administration to ye creditors of ye Estate of Sir Charles Hobby, deceased.

Adjourned till tomorrow, 10 o'clock, A. M.

* This was a son of Col. Richard Waldron, and a grandson of Major Richard, who was killed by the Indians in Dover, 1689. See more particular notice of him at his decease in 1753.

Pro: N. Hamp^{r}:

At a Genl Assembly held at Portsm^{o} by adjourm^{t} Jan. 12th, 1716–7.

Present,

His Excellency Samuel Shute, Esq., Govr,

His Hon^{r} Geo: Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno Wentworth,		Richd Wibird,	

Sam. Penhallow & John Wentworth, Esq. were sent down to the house of Representatives to inform y^{t} house that Richd Waldron, Esq., Judge of Probate, had been at ye Council Chamber to pray ye advice of his Excellency & Council in a matter that is now before him as Judge of Probate (viz.), the granting letters of administration to ye creditors of the estate of Sir Charles Hobby, dec^{d}, to ask their thoughts on this matter.

This day his Hon^{r} the Lt. Govr & the Councill took an oath to be faithful Councillors, as also ye oath of secresy. Thomas Phipps, Esq., high sheriff, & Richd Waldron, Cler. Con., took also ye oath of secresy, and Benj. Akerman, the door-keeper.

Adjourned till Monday next, 11 o'clock A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly, held at Portsm^{o} by adjourum^{t} Jan. 14th, 1716–7.

Present,

Mark Hunking,	Esqs.
Shad. Walton,	
Richd Wibird,	

Adjourn^{d} till 3 o'clock, P. M.

Pro: N. Hamp^{r}.

Mett according to adjournm^{t}.

Present, as before.

Adjourned till tomorrow, 10 o'clock A. M.

[P. 38.] Pro: N. Hamp^{r}.

At a Genl Assembly, held at Portsm^{o} by adjourn^{t} Jan. 15th, 1716–7.

Present,

His Excellency Samuel Shute, Esq., Govr,
His Hon^{r} George Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Shad. Walton,	
John Wentworth,		Richd Wibird,	

Tho. Westbrook, Esq.

Mr. Eph^{a} Marston brought up a vote to this board for laying a duty on ye importation of European Goods.

Richd Gerrish, Esq., made ye following motion at the Council Board (viz.), That whereas he had the bonds in his custody wch were given for ye security of the £1500 lett out of ye treasury; and the house of Representatives demanding the same, he prayed the advice of His Excellency the Govr and Councill thereupon: upon which it is

In Councill,

Ordered, That the s^{d} bonds be delivered by him to the s^{d} house of representatives; and accordingly, Thom^{s} Westbrook, Esq., is desired to go down to ye house of Representatives wth ye s^{d} Richd Gerrish, Esq., to see the same effected.

Adjourned till 3 o'clock P. M.

Pro: N. Hamp^{r}.

Met according to adjornm^{t}.

Present, as before.

Richd Gerrish, Esq., laid a receipt before this board, signed by the Clerk of the House of Representatives, for ye several bonds given for ye security of £1500 lett out of ye treasury, &c., delivered by him to the house of representatives,* which receipt ye said Gerrish took again to himself.

Adjourned till tomorrow, 10 o'clock, A. M.

* The house ordered, "That said bonds for ye present be lodged in the hands of Joseph Smith, untill further order by vote of the house."

[P. 39.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjournm^{t} Jan. 16th, 1716–7.
Present,
His Excellency, Samuel Shute, Esq., Govr,
His Hon^{r} George Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno. Wentworth,		Richd Wibird,	
Theo. Atkinson,		Tho. Westbrook,	

Adjourned to 3 o'clock P. M.

Pro: N. Hamp^{r}.

Met according to adjournm^{t}.

Present, as before,
also, Richd Gerrish, Esq,

Mr. Marston brought up a vote to this board for a Committee to supervise the Laws in order to have the remaind^{r} of them printed; & ab^{t} Collectors' and Naval officers' fees.

Mr. Nowell, of York, came to ye Councill board & informed his Excellency that there was several Indians now coming over the ferry to wait on his Excellency: upon which it was

In Councill

Ordered, That they be severally allowed 2^{s} per diem, for 3 days, if they tarry in town so long.

R. Waldron, Cler. Con.

The Clerk was sent down to ye house of Representatives wth a vote for a duty on Exportation of lumber.

Adjourn^{d} till tomorrow, 10 o'clock, A. M.

[P. 40.] Pro: N. Hamp^{r}.

At a Genl Assembly, held at Portsm^{o} by
adjournm^{t}, Jan. 17th, 1716–7,
Present,
His Excellency, Samuel Shute, Esq., Govr,
His Hon^{r} George Vaughan, Esq., Lt. Govr,

Mark Hunking,	Esqs.	Theo. Atkinson,	Esqs.
Jno. Wentworth,		Geo. Jaffrey,	

Richd Wibird, Esq.

Capt. Geo. Walker brought up ye vote for a duty on lumber, not concurred wth, as on file, Jan. 16, 1716–7.

The Clerk was sent down to the house of representatives to call them to the Councill board in ordr to a conference abt Col. Waldron's proposal in granting letters of administration to ye creditors of Sir Charles Hobby, deceased. They came accordingly; Col. Waldron being sent for, appeared also.

The result of the Conference is that Col. Waldron is advised not to grant letters of Administration to the creditors of ye estate of Sir Charles Hobby, deceased, for the present.

Adjourned till tomorrow, 10 o'clock A. M.

Pro: N. Hampr.

At a Genl Assembly held at Portsmo by adjournmt Jan 18, 1716–7.

Present,

His Excellency Saml Shute, Esq., Govr,
His Honr Geo. Vaughan, Esq., Lt. Govr,

Sam. Penhallow, Jno. Wentworth, Richd Gerrish, } Esqs.
Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

Thos. Westbrook, Esq.

One of the members of the house of representatives brought a resolve to this board for Mr. Treasurer Penhallow's accounts being laid before that house; also, a vote for calling the Gentn to an account that had the £1500 out of the treasury, for their not paying their money according to their bonds.

Mr. Treasurer Penhallow was sent down to the house of representatives to give them satisfaction about his accounts.

In Councill.

Advised, That the Gentm that had the [P. 41.] £1500 out of the treasury, and gave bonds for the same, go into ye house of representatives in ordr to satisfy that house in that matter.

Salathiel Denbow p'sented a petition * at this board, directed to

* *Petition, &c.*

To his Excellency, Samuel Shute, &c.

The humble Petition of Salathiel Denbow, a Pore Souldier Imprest Into the service of sd Province, on the late Canna la Expedition: Sheweth; that your humble Petitionr Did in the service of this Province in the late Cannada Expedition, receive a Rupture in his thigh at Spanish river, in Cape Bretoone; and, whereas there hath formerly smart-money (1) been allowed him, in hopes that he might be p'fectly cured & Enabled to get his own Living; & tho' the country hath been at charge for the cure, yet your Petitionr hath alsoe been at great charge to several Docktors & loss of a great deale of time & undergon a great deal of Paine and Misery, and cannot find help from any to make a cure of it, soe that your Petitioner is wholly disable from getting his Living.

the Gen[l] Assembly ab[t] his being wounded in the late war, w[ch] was read at y[e] board.

Rich[d] Gerrish & Geo. Jeffrey, Esqs., were sent down to the house of Representatives wth their bill for an impost on importation of liquors, * &c., not concurred w[th].

The clerk was sent down to y[e] house of representatives wth Salathiel Denbow's Petition. Adj[d] to 3 o'clock, P. M.

Pro: N. Hamp[r]. Met again according to adjournm[t].

Present,—as before,

also, Theo: Atkinson, Esq.

Adjourned till to-morrow, 10 o'clock, A. M.

Pro: N. Hamp[r].

At a Gen[l] Assembly held at Portsm[o] by adjournm[t], Jan. the 19th, 1716–7.

Present,

His Excellency, Sam[l] Shute, Esq., Gov[r],

Mark Hunking,	Esqs.	Geo. Jeffrey,	Esqs.
Jno. Wentworth,		Shad. Walton,	
Theo. Atkinson,		Theo. Westbrook,	

Mr. Dam brought Salathiel Denbow's Petition to this board, together wth a vote for granting y[e] s[d] Denbow ten pounds, &c. Y[e] vote was concurred wth in Councill, and is as follows:

Voted, That y[e] petitioner Denbow be allowed ten pounds out of the treasury for his relief, and that he be allowed liberty to list himself a soldier at Fort Wm. & Mary, if y[e] Capt. of s[d] Fort think him capeable, & y[t] y[e] said ten pounds be delivered to the

Therefore Humbly prayes yor Excellcie & the Generall Assembly to allow him some pension yearly to help support him; as in yor wisdome you shall see meet, and your Petitioner shall ever pray, &c.

his
SALATHIEL X DENBOW.
mark.

Portsmo in New Hampr, Jan. ye 18th, 1716–7.

(1) Money allowed for soldiers and sailors in the English service for wounds and injuries received.—*Web. Dic.*

* In the house,—"Voted, That a duty of impost be laid upon liquor imported into this Province from beyond sea: (viz.) ten shillings for every hhd. of Rum; eight shillings for every Pipe of Fyall wine; ten shillings for every pipe of Madira wine; sixteen shillings for every pipe of Canara or Pasada wine; and for all European goods one penny sterling in the pound. And to continue for one year, allowing one twelfth part for leakage of ye liquor."

selectmen of Dover, to be disposed of for the use of s^d^ Den*more*, as the Major part of them shall [P. 42.] see meet.

Read three times and past by the house of Representatives & sent up for concurrence. Jan. 19th, 1716–7.

Joseph Smith, Clerk.

In Councill.

Voted a concurrence.

Jan, 19th, 1716–7. R. Waldron, Cler. Con.

Mr. Dam brought to this board a vote for removing ye Courts of Justice to Hampton, Dover, &c.

The Clerk was sent down to ye house of representatives wth ye vote of that house ab^t^ Collectors' & Naval officers' fees, &c., for amendm^t^.

Capt. Davis brought a vote to this board from ye house of representatives for drawing a new table of fees, wch was concurred wth in Councill. It is as follows:

Voted, That a Committee of both houses be chosen to supervise the laws not yet printed; and also, to draw up an Act for regulating all officers' fees, as well Collectors' and Naval officers' fees as others, in order the Act be printed as soon as may be.*

Read three times and past by the house of representatives & sent up for concurrence.

Jan. 19: 1716–7. Joseph Smith, Clerk.

Eodem die. In Councill.

Voted, A concurrence wth ye above vote, & appointed y^t^ Geo. Jeffrey & Jno. Wentworth, Esqs., be of a Committee from this board for ye service above.

Pr. ord^r^. R. Waldron, Cler. Con.

Voted, That Col. Joseph Smith & Maj. Wear be a Committee to joyn with ye Committee of ye Upper house for drawing up the Act. Jos. Smith, Clerk.

Adjourned to Monday next, 3 o'clock, P. M.

* See Laws, with fees, &c., together, in this volume.

[P. 43.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjournm^{t}, Jan. 21st, 1716–7.

Present,

His Excellency, Samuel Shute, Esq., Govr,
His Hon^{r} Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Richd Wibird,	
Jno. Wentworth,		Tho. Westbrook,	

Adj^{d} till to-morrow, 9 o'clock, A. M.

Pro: N. Hamp^{r}. [Met according to adjournm^{t}.]

Present, — as before.

(Except Jno. Wentworth & Mark Hunking, Esqs.)

Adjourned till to-morrow, 9 o'clock A. M.

Pro: N. Hamp^{r}. [Met according to adjournm^{t}.]

Present,

His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
John Wentworth,		Richd Wibird,	
Theo. Atkinson,		Thos Westbrook,	

His Excellency the Govr having wthdrawn himself from the Councill board, it was moved y^{t} ye Councill ought to give an answer to his Excellency's speech; whereupon, it was

In Councill

Voted, That it should be so, & y^{t} Saml Penhallow & Geo. Jeffrey, Esqs., be a Committee to draw up ye same.

R. Waldron, Clcr. Con.

Lieut. John Gillman brought up four votes to this board from ye house of representatives (viz.): a vote about the distribution of ye Law books; a vote for a Committee to audit ye publick accounts of this Province; a vote for p'senting his Excellency the Govr wth two hundred pounds, & a vote for continuing all ye New Hamp^{r} bills of creditt in the treasury that are [P. 44.] there; wch votes ab^{t} the bills in the treasury and distribution of the Law books were sent down by Richd Gerrish and Theo. Atkinson, Esqs., for amendm^{t}.

John Wentworth, Esq., was sent down to ye house of representatives to desire y^{m} to reconsider their votes ab^{t} giving the Govr

two hundred pounds, wch is fifty pounds short of what has been heretofore p'sented.

The Clerk was sent down to the house of representatives wth ye vote of that house for a Committee of auditt concurred wth, &c., for an addition to be made to s^{d} vote (viz.) who the Committee should be. The vote is as follows:

Voted, That a Committee out of both houses be chosen to receive ye claims and adjust ye Province debts, in order to their being laid before the Assembly for allowance.

Read & past by the House of Representatives & sent up for concurrence.

Jan. 23^{d}, 1716-7. Joseph Smith, Clerk.

Eodem die. In Councill.

Voted, a concurrence, & further voted that Richd Gerrish and Geo. Jeffrey, Esq., be of a committee from this board for that service, as also John Wentworth, Esq.

R. Waldron, Clerk Con.

Voted a concurrence, and also voted, that Col. Jno. Plaisted, Col. Joseph Smith & Mr. Hugh Read joyn wth the p'sons of the upper house for ye affair aboves^{d}.

Joseph Smith, Clerk.

Adjourned to 3 1-2 o'clock P. M.

Pro. N. Hamp^{r}.

Met again according to adjournm^{t}.

Present as before.

This day the house of Representatives made an answer to his Excellency the Gov^{rs} speech, which was read at ye Councill board, as followeth:

May it please your Excellency:

We heartily congratulate yor Excellency upon yor safe arrival into this Prov: over which his Majesty has been graciously pleased to constitute and appoint youerself Govr; and we must always, with all humble gratitude, acknowledge his Majesty's favor in giving [P. 45.] us a Govr of so good character; nor can we omitt to adore the Almighty God, who, by his over-ruling Providence, even to a miracle, has seated on ye British throne a King every way accomplished wth all royal virtues & graces, notwithstanding the utmost efforts of his enemies abroad, & his most unnatural & rebellious subjects at home, to p'vent the same; which gives us a fair view of good and peaceable days for a great while to come.

We thankfully take notice of your Excellency's good advice for ye extirpation of vice and encouragement of virtue, & shall endeavour, in our several stations, to promote the same, wch will be best effected by ye Magistracy's putting the penal laws in execu-

tion. As to divisions among us, we must confess there has been too much of that, but we are hopeful by yor Excellency's good advice that may be brought to an end, whereby yor Excellency will acquire to yourself that blessing due to peacemakers.

As to ye complaints made to yor Excellency of a great waste made in ye woods of Pine trees fitt for his Majesty's Navy, we say that as soon as Lt. Govr Vaughan arrived, & finding no officer for surveying the woods, he immediately, by and with the advice of ye Councill, appointed p'sons in the several parts of ye Prov: to take care that no waste was made, & the same care is still taken, so y^{t} we believe that complaint is altogether groundless, and that his Majesty's interest in that matter is better preserved than ever it was by any officer sent from England at a great charge to ye crown.

As to w^{t} relates to the support & defence of the Governm^{t}, we shall in due season take that into consideration, & no less w^{t} relates to yor Excellency: being sensible of the burthen of Goverm^{t} that lyes on your shouldiers, wch we shall endeavour to alleviate to ye utmost of our abilities.

We are also thoughtfull of o^{r} Lt Govr, whose administration has been to general satisfaction, before yor arrival & since, when yor Excellency has been out of the Province; but our circumstances at p'sent not coming up to our desire, we pray he may have some other office of profitt than he hath at p'sent for his hon^{ble} support, untill we can be enabled to do farther for him; & w^{t} more shall be thought necessary at this sessions, we shall enter upon wthout admitting longer delays.

We have one thing more to give your Excellency to understand as a grievance throughout ye Province, in y^{t} some of the Gent^{n} of the Council, approved for their loyalty and abilities, by ye misrepresentations of some p'sons not well affected to the Goverm^{t}*; wch we are humbly of opinion is [P. 46] an abuse to the Crown, a weakening to yor Excellency and a damage to the Province.

It only remains that we pray God Almighty for a blessing upon your Excellency's administrations, that they may have always a tendency to God's glory, ye King's honor, and the peace and prosperity of the Province, that the Inhabitants thereof may live quiet and peaceable lives in all godliness and honesty.

JOHN PLAISTED, Speak^{r}.

Read three times in the house of Representatives & past. Ordered to be sent up. Jos. Smith, Clerk.

Adjourned till to-morrow, 10 o'clock A. M.

* This sentence seems to be incomplete. But in relation to the "grievance" spoken of, Belknap says: — "When Governor Shute came to the chair, several of the old counsellors were laid aside, and six new ones appointed, all of whom were inhabitants of Portsmouth." "The Assembly remonstrated against the removal of the old counsellors, and the confining of the new appointments, both in the Council and the Judicial Courts, to residents in one town, as being contrary to former usage, and giving an advantage to the trading, above the landed interest." — ED.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjourm^{t}, Jan. 24th, 1716-7.

Present,

His Hon^{r} Geo. Vaughan, Esq., Lt Govr.,

John Wentworth, Richd Gerrish, Theo. Atkinson, } Esqs.
Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

Tho. Westbrook, Esq.

This day the Councill voted a concurrence wth ye representatives' vote for giving the Govr two hundred pounds. The vote is as follows:

Voted, that his Excellency Govr Shute be p'sented wth two hundred pounds in bills of credit, to be paid out of ye treasury, wch we pray his Excellency to accept.

Read three times in ye house of representatives and past. Sent up for concurrence.

Joseph Smith, Clerk.

Jan 22^{d} 1716.

In Councill.

Jan. 24th 1716-7.

Voted a concurrence wth the above vote.

R. Waldron, Cler. Con.

The Clerk was sent down to the house of Representatives wth a vote for repealing ye act for making lands and tenements lyable to ye payim^{t} of Debts.

Maj^{r} Wear came to this board in behalf of ye house of Representatives, to pray an answ^{r} to ye vote of y^{t} house ab^{t} removing ye courts.

Adjourned to 3 o'clock, P. M.

[P. 47.] Pro: N. Hamp^{r}. Mett according to adjourm^{t}.

Present,

His Excellency the Governour,
and others as before.

The Clerk was sent down to the house of representatives wth a vote of Councill ab^{t} ye distribution of Law books, together with the vote of that house relating to that matter not concurred wth.

The Clerk was sent down to ye house of representatives wth ye vote of that house ab^{t} the removal of ye Courts not concurred wth in Councill.

Capt. Odiorne brought up a vote to this board from ye house of representatives for ye makeing ten thousand pounds bills of creditt, &c., wch was concurred wth in Councill and is as follows:

Whereas there is great want of a medium to carry an end ye trade and commerce of this Province, & for encouragem^{t} of which,

Voted, That ten thousand pounds Province Bills be emitted and printed for ye use aforesaid, on a fund of ye Estates of this Province, & that it be lett out for twenty-three years to come, and that every town (if they see cause) have its proportion, according to the last Province rate, and to be sett at five per cent for twenty-three years; each p'son paying five pounds yearly & every year, for twenty-three years, shall acquit him and heirs, &c. forever both of ye Principal & interest; & that a committee of both houses be appointed and impowered to manage this affair, both in making, signing and letting out this money; and that all orders by them made be observed by each town, and that ye first year's interest be paid in hand towards ye defraying ye charges of s^{d} committee in making and printing said Bills; and y^{t} ye committee be allowed reasonable satisfaction for their care and pains therein, and that no p'son be allowed to take more than three hundred pounds, & none less than ten; and that land security be given for double the value of ye mony so lett, & if any p'son neglecting or refusing to pay ye five p^{r} cent yearly, and every year as abovs^{d}, in such case the land so mortgaged for ye mony lett shall become forfeited to the committee for ye use of ye Province, and it shall be in ye pow^{r} of the committee to make sale thereof by way of outcry, wch sale shall be good in law to all intents and purposes w^{t}soever, any law or usage to ye contrary notwithstanding—the Commitee retaining the over plus of w^{t} such land sold for to ye mortgager, his heirs or assigns, and that no p'son be suffered to have more than thwee hundred [P. 48.] pounds of the Province mony, at one time, (unless ye whole committee agree thereunto), and that every person paying at any time ye Principal and interest shall take up his security, & that it be paid in this Prov: Bills.

Read three times and past by a vote of ye Representatives.

Joseph Smith, Clerk.

Jan. 24th 1716-7.

Eodem die. In Councill.

Voted a concurrence wth ye foregoing Vote.

R. Waldron, Cler. Con.

Capt. Odiorne brought a vote to this board from ye house of representatives, for a committee to draw up ye Act ab^{t} printing y^{e}

ten thousand pounds, &c., which was concurred wth, and is as follows:

Voted, That Col. John Plaisted, Esq., & Capt. James Davis be a committee to joyn wth two of ye upper house for drawing up ye Act ab^{t} bills of Creditt to be stamped, &c.

Jos. Smith, Clerk.

Jan. 24, 1716-7.

Eodem die. In Councill.

Voted, That Theo. Atkinson and Richd Wibird, Esq., be of a Committee to joyn wth ye Gentl^{n} above for the service abovesaid.

R. Waldron, Cler. Con.

Adjourned to tomorrow, 10 o'clock A. M.

Pro. N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjourm^{t} Jan. 25, 1716-7.

Present,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
John Wentworth,		Richd Wibird,	
Richd Gerrish,		Tho. Westbrook,	

Mark Hunking, Geo. Jeffrey and Shad. Walton, Esqs., were sent down to the house of Representatives, to recommend to them ye consideration of printing fifteen instead of ye ten thousand pounds voted to be printed, &c.

[P. 49.] The Clerk was sent down to the house of representatives wth a vote of Councill ab^{t} Capt. Westbrook's laying out a train field in ye Plains, &c.

Adjourned to 3 o'clock P. M.

Pro: N. Hamp^{r}.

Met according to adjorm^{t}.

Present as before.

John Denison, Esq., p'ferred a Petition to this board directed to ye Genl Assembly in behalf of & signed by Mr. Daniel Rogers* of Ipswich, to have a special Act past, allowing ye Petitioner to review an action at law agst ye commoners of Hampton.

* Mr. Daniel Rogers was minister of Ipswich, Mass.

The Clerk was sent down to the house of representatives wth a vote for laying out a new high way from Portsm^{o} to Hampton.

The Clerk was sent down to ye house of representatives to call them to this board in order to a conference.

The House of Representatives sent a memb^{r} of y^{t} house (viz.), Maj^{r} Wear, to this board to pray to know upon what head ye conference was to be.

Upon which ye Governor commanded their attendance at ye Council Chamber. They came accordingly & conferred ab^{t} ye Committee for letting out ye new mony.

Capt. Walker brought up ye following votes to this board concurred wth in ye house of Representatives (viz.), a vote ab^{t} Capt. Westbrook's laying out a train field, &c., a vote for repealing ye Act for making land and tenements lyable to ye paym^{t} of Debts, and a vote ab^{t} ye distribution of ye Law books.

In Councill.

Voted, That if Thos. Westbrook, Esq., shall (for an accommodation of drawing up y^{e} militia of town or Province) lay out or cause to be laid out, six acres of land suitable & accommodable wth y^{e} land already laid out at y^{e} Plains in Portsm^{o}, between Brewster's & Sherburn's, to be to y^{e} use of the Publick as above$^{s^d}$ forever, that then & in such case, after s^{d} confirmation, he, the s^{d} Westbrook, shall forever hereafter have the liberty of keeping the only Publick house there, either by himself or another, paying to his majestie, [P. 50.] his heirs and successors, twenty shillings pr. annum.

Jan. 25th, 1716–7. R. Waldron, Cler. Con.

Voted, in Concurrence, Joseph Smith, Clerk.

In Councill.

Whereas there is an Act of ye Genl Assembly of this Province, entituled an Act for making land and tenements lyable to ye paym^{t} of debts; & whereas the time limited in s^{d} Act for ye redemption of any land or tenement after an execution is leveyed on the Same is seven years, wch is of very p'necious consequence & a great damage to the creditor, &c.,

Voted, That s^{d} Act be repealed & that ye time of redemption shall be no more than two years in ye room of seven.

Jan. 24th, 1716–7. R. Waldron, Cler. Coun.

25th. Voted a concurrence wth ye above.

Jos. Smith, Clerk.

In Councill.

Voted, That ye Law books be distributed among ye severall

towns of this Province in proportion according to their last Prov: tax, except two books wch shall be for ye use of ye Govr & Councill & house of representatives. R. Waldron, Cler. Coun.

Jan. 24th, 1716–7.

25th, concurred wth by ye House of representatives.

Joseph Smith, Cler.

Adjourned till to-morrow, 9½ o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o by adjournm^t, Jan. 26th, 1716–7.

Present,

His Excellency Saml Shute, Esq., Govr,

His Hon^r George Vaughan, Esq., Lt. Govr,

Mark Hunking, Richd Gerrish, Theo. Atkinson, } Esqs. Geo. Jeffrey, Richd Wibird, Tho. Westbrok, } Esqs.

The Clerk was sent down to the House of representatives wth a Petition p'ferred to this board by Mr. Denison, in behalf of Mr. Daniel Rogers; also wth a vote of Councill there about.

[P. 51.] The Councill Answer to the Gov^rs Speech was this day read at ye Councill board, as followeth:

May it please your Excellency:—

It is wth inexpressible joy, y^t after the serene conduct and administration of Col. Dudley, our late Govr, we can see yor Excellency now sitting at ye helm of affairs in this Province.

And we cannot but adore ye divine Sovereignty in directing his most gracious Majesty to establish one over us who is every way so agreeable & so well accomplished to rule and govern.

Your Excellency's noble conduct while in ye field of Battle, your bravery and courage in defence of British liberties, & ye Protestant interests, wth ye many other illustrious virtues transparent in you, do seem to us as so many guarantees under God of our future tranquillity.

And when we consider ye peculiar steps of Divine Providence in bringing his most sacred Majesty to ye imperial throne of Great Britain, & since that, by enabling him victoriously to trample on the necks of his unnatural enemies, we doubt not but ye Same Providence will so establish him & his most noble progeny, as that the Royal scepter may never depart ye most illustrious house of Hanover.

In a peculiar manner we acknowledge your Excellency's great care & zeal in recommending to us ye extirpation of vice & promoting of virtue, wch by divine assistance we shall endeavour to effect, & as much as in us lies, accommodate ye Small divisions that have of late happened, y^t so unity may be increased, ye name of God honoured, & our most Holy Religion advanced.

And as to that important article of preserving pine trees for ye supply of his Maj'^ties Royal Navy, we shall henceforward esteem it our Duty more narrowly to observe & by all means prevent such destruction thereof as has been of late.

As to ye support of yor Excellency while in the Governm^t, we no ways doubt but ye House of representatives will take effectual care thereof, being assured y^t in every respect you'l study to advance our religious & civill Interests.

Signed in presence & pr. ord^r of ye Councill.

Jan. 25, 1716–7. Pr. R. Waldron, Cler. Con.

[P. 52.] Capt. Walker brought up Mr. Rogers' petition p'ferred to this board, pr. Mr. Denison, together wth ye vote of Councill thereabout, not concurred w^th.

Capt. Walker brought up a vote to ye board from ye House of representatives for a Committee to lett out ye ten thousand pounds voted to be printed, &c.

Five members of the House of Representatives were sent to this board, to bring an address from y^t to the Govr wch was read as follows:

To his Excellency, Saml. Shute, Esq., Govr.-in-Chief of his Maj'ties Prov: of New Hampshire, &c.

We, the Representatives of his Maj^ties Prov: of N. Hamp^r, ask leave humbly to inform your Excellency of ye State and condition of this his Maj'^ties Prov: the late warrs were very prejudiciall and almost insupportable; many hundreds have fell by the sword; great desolations made; the people ready to forsake out towns, driven from their habitations & scarce capeable as yet to resettle themselves, so that they were cloathed with Poverty; & ye Prov: greatly plunged in debt & cannot come out, and the taxes are extraordinary for many years to come. However, we are chearfully willing to wade through these difficulties & do our utmost for ye support of ye Governm^t & Hon^r of the Crown by a Support to your Excellency according to our pow^r.

We ask leave to remonstrate some things wch deeply affect us:

1st. We say that when his Maj'^tie first sent a Commission over to sever us from ye Mass^a, ye Councillors nominated & appointed, resided proportionally in each town of the Prov: and have more or less continued so till now, when some of our experienced, just and good men are laid aside, and ye whole number residing w^thin two miles or therea^bt one of another, wch we believe his Majesty was not informed of; wch hath been the occasion of great differences and animosities, & wch may further produce inconvenience, if not timely p'vented, ye Councill consisting principally of merch^ts & traders, whereby the revenue due to ye Crown by an impost is wholly obstructed.

2nd. And tho' we have endeavoured an impost several times, it has been opposed by those now in ye Councill, so y^t ye burthen lyes wholly on ye farmer and labourer, who till of late have lived

in ye haszard of their lives, & many brought to desolation & poverty; whereas ye settlement on our late Govr was on a fund of Excise & Impost, wch impost is now wholly denyed & the [P. 53.] trading part no ways assisting in lightening ye land tax.

3rd. Our Courts are all kept at Portsmouth,— whereas formerly they were held at ye other towns; likewise our Judges are mostly of s^d Portsm^o, whereat we cannot but be grieved, and humbly pray yor Excellency's favour to consider these things & so represent w^t is p'per to his most excellent Majesty, that we may again rejoice in ye royal favour we formerly enjoyed; that Councillors and Courts may be in each town as formerly and that we may not always be outdone by Gent^n in trade, to the great discontent & uneasiness of the farmers & labourers; & that what other things are proper to your Excellency, may be so ordered that we may participate wth our neighbors in all priviledges, & we shall ever be ready to do our utmost to strengthen your Excellency's hands & make ye governm^t agreeable to your desires & to the prosperity of ye Inhabitants' interests therein, &c.

Voted & past by ye House of Representatives & ordered to be delivered to his Excellency, Govr Shute, &c., by five members of this house. Jan. 25th, 1716–7. Joseph Smith, Clerk.

Adj. to Monday, 9 o'clock, A. M.

[From Journal of the House.]

Voted, That this house pray his Excellency the Govern^r, Col. Shute, do lay the Remonstrance of the greivances of the Representative body of the good people of this Province, offered to your Excellency this present session, may be laid before the King, in hopes of redress, as soon as convenience will permit your doing it. And what charge your Excellency may be at, we have past a vote to defray.

Voted, That his Excellency be defrayed the charge thereof.

Read and past by the house of Representatives.

January 28, 1716–7. Joseph Smith, Clerk.

Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o by adjournm^t on Monday, ye 28th Jan., 1716–7.

Present,

His Excellency Samuel Shute, Esq., Governour,

His Hon^r George Vaughan, Esq., Lt. Governour,

Mark Hunking,	Esqs.	Geo. Jeffrey,	Esqs.
Jno. Wentworth,		Shad. Walton,	
Richd Gerrish,		Rich^d. Wibird,	
Theo. Atkinson,		Thos Westbrook,	

Adjourned to 2 o'clock P. M.

Pro: N. Hamp^{r}.

Met according to adjournm^{t}.

Present, as before, also
Saml Penhallow, Esq.

Saml Penhallow & Mark Hunking, Esqs., were sent down to ye house of Representatives wth ye vote of that house ab^{t} ye committee for printing, signing & letting out ye ten thousand pounds, voted to be printed, &c., [P. 54.] for amendm^{t}.

Mr. Dam brought up a vote to this board from ye house of Representatives, desiring his Excellency the Govr to lay ye grievances of that house before the king; wch was non-concurred with in Councill.

Capt. Odiorne brought up ye votes of Representatives ab^{t} ye Committee for letting out ye money sent down by Saml Penhallow & Jno. Wentworth, Esq., for amendm^{t}, with an under-written resolve that it should not be altered: Whereupon it was voted a non-concurrence wth s^{d} vote in Councill, & the same sent back to the house of Representatives by the clerk.

Jno. Wentworth & Geo. Jeffrey, Esq., were sent down to the house of Representatives wth the Clerk to read to them ye Gov^{rs} answer & ye Councill's answer to their address to the Governour: wch was as follows:

Gent^{n}: I received yor Address of ye 25th inst., & assure you that I am always willing to give due attention to all just complaints made by the lower house to redress the grievances of the Province. I am but lately arrived amongst you & therefore uncapable of making a proper answer myself; do therefore refer it to the Councill, who are more knowing and acquainted wth the affairs of the Province, whose answer is as follows: (viz.)

SAM. SHUTE.

May it please your Excellency:

In ye Representatives' Address are sundry suggestions and insinuations wch are highly reflecting on his most Excellent Majesty in ye nomination of this Councill, and on your Excellency in appointing ye Judges in this Province, wch is altogether unparliamentary, tending to destroy all good understanding between ye two houses, & to obstruct all things proper and necessary to be done for his Majesties' service and good of this his Province; wherefore in honour and duty to ye king & your Excellency, & for ye good of this goverm^{t}, we can't but resent, & in obedience to your Excellency humbly crave leave to make this reply to the s^{d} Address.

It is true ye late warrs were very destructive to many of his Majesties good subjects of this Province, & in a great measure obstructed its increase & settlement; notwithstanding the great charge thereof & many hundreds that have fallen by the sword,

yet it hath pleased Almighty God to be so propitious to us that our numbers are much increased, our trade abundantly greater, & state & condition of ye people in general much more advanced in wealth, & thereby better enabled to pay y^r future taxes.

[P. 55.] Tho' it was his Majesties pleasure to appoint ye first Councill out of each town in ye Prov: it was w^th^out doubt because y^re was then in those towns men of greatest abilities & best qualifications; but ever since the town of Portsm^o has been most flourishing, ye seat of almost all ye Gent^n of the Province, the metropolis of the Governm^t,— it has been his Majesties pleasure to have his Councill chiefly of them, *inasmuch as they were Gent^n of the best quality & greatest ability to serve ye Governm^t in that station.** And we find in his Majesties instructions to his Excellency it is directed that all Councillors shall be inhabitants of the Prov: w^th^out respect or limitation to any particular town; and it must be acknowledged to be the prerogative of the Crown to nominate and appoint his Councill, and owned most convenient and conducive to the publick good to have ye majority near ye seat of Governm^t especially in cases of emergencies; besides, one of ye late appointed Councill was of Hampton; and why he did not serve is not owing to ye Governm^t, but his own refusal: and whereas it is asserted a greivance y^t some of the experienced, just and good men are laid aside, & these lately appointed by the King has been ye occasion of Great differences & animosities, wch they threaten may produce farther inconveniencys, if not timely pervented, is very strange & untrue, for we know there hath been no such divisions occasioned y^rby, and the Gent^n dismist are two of them very aged, a third not living in the governm^t, & ye other two for reasons given, not thought proper p'sons; tho' one of them of superior abilites on all other accounts; & since it has been the King's pleasure to make this alteration, it is flying in his face to call it a grievance, & thus threatening with divisions, animosities and worse inconveniences. We are of opinion nothing less than strange resolutions may justly be expected, especially when we have so lately seen ye chair so much affronted.

Whereas they are pleased to reflect so invectively on those members of the Councill lately appointed, who for many years served ye public in the Assembly to very good acceptance, & did constantly study & endeavour ye benefitt & ease of ye people, and proposed & prosecuted all means & methods that tended to ye advancem^t of ye Prov: & never opposed an act of Impost but when they could not obtain an act of Export, wch is ye practice of Great Britain, ye Govr assuring us y^t he himself payed twenty six pounds sterling for ye export of his own goods, they being ye manufactures of England, & now were willing to come into an Impost, if ye representatives would have concurred wth ye vote of ye Councill for an Export; and tho' they are represented now not qualified, as being some of them merch^ts & traders, yet they did, while memb^rs of the lower House, pay full proportions to all publick taxes, double ye sum paid by any of ye p'sent representatives, *having as good and better Estates in lands and land securities*

* Italics by the Editor.

than any now in s^d house, & not so inferiour to ye Gent^n they p'tend are laid aside; & accordingly assisted in defraying all publick charges, as well as the settlem^t on ye late Govr, wch was constantly paid out of ye treasury, as all other charges of ye Governm^t.

[P. 56.] As for ye grievance in respect of ye Courts, the first Act concerning them in ye Province settled them all at Portsm^o, being most convenient & accommodable for ye whole Province in all respects.

And as for ye reflection on your Excellency for appointing the present Judges, there has been none laid aside; & ye vacancy only filled up by p'sons of Portsmouth, in lieu of others that were of s^d town, which was never accounted a grievance untill now; and notwithstanding all these suggestions, insinuations and groundless grievances, we doubt not but yor Excellency will so represent the affairs of this Province, as that we may continue to rejoice in the royal favour, under your Excellency's mild & just administrations.

In Councill.

Read & voted to be sent down & read in ye house of Representatives, Jan. 28, 1716–7.

R. Waldron, Cler. Coun.

His Excellency the Governour asked the board whether or no the sending a messenger from ye house of representatives to the Councill board to ask upon w^t head it was that they were to confer, when he sent for them to come to a conference, was not an affront to ye chair? Y^e Council answer it was. Then ye Govr proposed the dissolving of ye Assembly, wch the Councill advised to do, &c.

Geo. Jeffrey & Rich. Wibird, Esq., were sent down to the House of representatives to require their attendance at ye Councill board. They came accordingly; where his Excellency the Governour was pleased to pronounce them dissolved, and accordingly in his Majesties name they were dissolved.

So farr gone to England.

[P. 57.] Pro. N. Hamp^r.

At a Genl Assembly, held at Portsm^o May 13th, 1717.

Present In Councill,

His Excellency Saml Shute, Esq., Governour,

His Hon^r Geo: Vaughan, Esq., Lt. Governour,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno. Wentworth,		Richd Wibird,	
Richd Gerrish,		Thom. Westbrook,	

The Clerk of ye Councill laid the sheriff's return of the Representatives of the several towns of the Province before this board, whose names are as follows:

Col. Thos Packer, Capt. Josh^a Pierce, Mr. Eph^a Dennet,	Portsm^o.	Capt. John Gillman, Lt. John Gillman,	Exeter.
Col. Joseph Smith, Maj. Peter Wear, Mr. Jno Tuck,	Hampt^o.	Capt. Jotham Odiorne, Capt. Hugh Reed,	N. Castle.
James Davis, Esq., Mr. Samuel Tibbetts,	Dover.	Capt. And^w Wiggin, Mr. John Dam, Mr. Saml Eastman,	Stratham. Newington. Kingston.

The sheriff was sent down to ye House of Representatives to call them to this board, who came accordingly, where were administered to them ye oaths, instead of ye oaths of allegiance and supremacy, as also the oath of abjuration, wch they subscribed, &c. Then his Excellency ordered them to wth draw to chuse y^r Speak^r & p'sent him at three o'clock afternoon, at wch time he should be again p'sent in Councill.

Adjourned to 3 o'clock, P. M.

Pro: N. Hamp^r. Met again according to adjornm^t.
Present in Councill, as before.

The Clerk was sent down to ye house of representatives to inquire whether they had chosen their Speak^r, and if so, to command their attendance at ye Councill board to present him: they came accordingly and presented Col. Thom^s Packer their Speak^r, who was well accepted: After which his Excellency made the following speech.

Gent., — I have been informed that this Province has been very remarkable for its unanimity & concord, & I hope it will never do any thing to forfeit ye beautiful character: [P. 58.] you, Gent^n, are its representatives, whose good example will highly influence ye whole community. Therefore recommend to you, ye laying aside all animosities and disputes that may tend to the blowing up ye coals of dissention among us, which always carry wth them most fatal consequences; and hope y^t every body will have their thoughts entirely bent upon what will make them dutifull to their King & serviceable to their country, by thinking w^t new measures may be taken to promote the true interest of this Province.

By these methods the affairs of this session will meet wth dispatch, and every body will return home to their respective towns in good humour, wch will tend very much to your honour and reputation, and give me great pleasure and satisfaction.

I shall conclude by again assuring you y^t I myself have nothing so much in view nor any thing more at heart, than to see you a flourishing and prosperous people. SAML. SHUTE.

Adjourned to 9 o'clock tomorrow, A. M.

Pro: N. Hamp^r.

At a General Assembly held at Portsm^o by adjournm^t, May ye 14th, 1717.

Present, in Councill,

His Excellency, Saml Shute, Esq., Govr,

His Hon^r George Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno. Wentworth,		Richd Wibird,	
Richd Gerrish,		Thom^s Westbrook,	

Saml Penhallow, Esq., laid a letter before this board wch he had received from Mr. Newman, bearing date Feb. 23, 1716-7, for the encouragem^t of raising Naval stores in this Goverm^t, wch being read, the same was sent down to the house of representatives by Saml Penhallow and Mark Hunking, Esqs., to be recommended to their consideration.

Adjorn^d to 3 o'clock, P. M.

[P. 59.] Pro: N. Hamp^r. Mett again according to adjourn^t.

Present, — as before.

Capt. Matthews, of ye Parish of Oyster river, in Dover, p'ferred a petition to this board ab^t *nuling* [annulling?] a vote of the Genl Assembly relating to that Parish, wch Petition was read.

Adjorned to tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, May 15th, 1717.

Present in Council,

His Excellency Sam. Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Richd Wibird,	
Jno. Wentworth,		Thos Westbrook,	
Richd Gerrish,			

Elisha Cook, of Boston,* Esq., appeared at this board and prayed that (whereas himself was a creditor to ye estate of Sr. Charles Hobby, deceased, and had made application in Jany last to have letters of administration wch was suspended for a time) that he might now have administration on s^{d} estate: whereupon ye clerk was sent down to ye house of representatives wth a vote for suspending that affair two months longer; also, wth a vote for a committee to supervise ye laws of this Prov: not yet printed in order to their being so.

Benj^{a} Gambling, Esq., having received a commission for sheriff, and Mr. Richd Waldron, jun., for Clerk of ye Council, they both took the oaths instead of the oaths of allegiance & supremacy, and the abjuration oath, and the sheriff the office oath.

Mr. Richd Gerrish, jun^{r}, was this day in Council appointed Clerk of the Inferiour Court of Common Pleas.

The Petition that was yesterday p'ferred by Capt. Matthews being read a second time, it was in Council voted, That Capt. Nathl Hill and Capt. Stephen Jones be notifyed of s^{d} petition; also, to give their attendance at ye Council board on Fryday next, to shew cause why the pray^{r} in said Petition may not be granted.

The Clerk of the Council was sent down to the representatives wth a vote for notifying Capt. Hill & Capt. Jones to attend at ye Council board on Fryday next, 10 o'clock, &c., also a vote for a Committee of Auditt.

[P. 60.] Mr. Dam brought up the following votes of concurrence to this board.

In Council.

Whereas Messrs Oliver Noyes and Elisha Cook, of Boston, did in Jany last make application to ye Judge of Probate for letters of administration on ye estate of Charles Hobby, deceased, as they were creditors to said estate; and whereas the s^{d} Judge of Pro-

* Elisha Cooke, of Boston, was an open opposer of Gov. Shute through the whole of his administration. He was a man of ability, of plausible manners, and of much influence in Mass.—See Hutchinson, Vol. II, pp. 200, 211, 273, 288. Bost. 1795.

bate did suspend ye granting any letters of administration for that time, it was confirmed by the Govr and Councill, ye Supream Probate of this Province, wth ye advice of the house of representatives; and whereas ye afores^d Mr. Elisha Cook has again made application as above:—

Voted, That the s^d affair be suspended for two months long^r.

May 15th, 1717. Richd Waldron, Cler. Con.

May 15th, 1717. Concurred wth pr. the house of representatives.
Joseph Smith, Cler.

Voted, That a Committee be appointed to collect & revise the Laws of this Province, that those Wanting may be supplyed, and all printed as soon as possible.

May 15, 1717. Richd Waldron, Cler. Con.

May 15th, 1717. Read and concurred wth pr. the house of representatives. Joseph Smith, Cler.

The Clerk of ye Councill was sent down to the house of Representatives wth a vote appointing who the Committee to supervise the laws, &c., are.

Mr. Geo. Peirce p'ferred a Petition to this board ag^st Capt. John Pickerin & Mr. Wm. Cotton: Whereupon it was in Councill ordered, That ye clerk summon ye s^d Cotton and Pickerin to appear at ye Councill board on Fryday next, at 10 o'clock forenoon.

Richd Gerrish, Esq., was sent down to the house of Representatives to desire ye speedy dispatch of affairs; who answered by him yy [they] would proceed as fast as possible.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assembly held at Portsm
by adjourn^t, May 16th, 1717.
Present,
His Excellency, Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,
Mark Hunking,		Geo. Jeffrey,
Jno. Wentworth,		Richd Wibird,
Richd Gerrish,		Tho. Westbrook.

[P. 61.] One of the members of the House of representatives brought up ye following vote to this board, concurred w^th:

In Councill.

The Petition p'ferred yesterday by Capt. Fran^s Matthews, being read a second time at ye Councill board, it was

In Councill

Voted, That Capt. Nath[l] Hill and Capt. Stephen Jones and others, be notifyed of s[d] Petition; also to give y[r] attendance at y[e] Councill board on Fryday next, at 10 o'clock A. M., to show cause why y[e] prayer in said Petition may not be granted.

May 15, 1717. Rich[d] Waldron, Cler. Con.

Concurred wth. Joseph Smith, Cler. of y[e] representatives.

Capt. Odiorne brought up a vote to this board from y[e] house of representatives about a committee of auditt, w[ch] was sent back by Theo. Atkinson, Esq., for amendm[t]. Also, y[e] vote of Councill ab[t] a committee to supervise y[e] Laws — not concurred w[th].

The Clerk was sent down to y[e] house of representatives wth another vote of Councill ab[t] a committee to supervise y[e] Laws, &c.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp[r]: Mett again according to adjornm[t].

Present as before.

Thom[s] Peirce p'ferred a Petition* to this board signed by sundry y[e] inhabitants of Portsm[o], concerning the divisions in s[d] town, directed to the Gen[l] Assembly; w[ch] Petition being twice read at y[e] councill board, was ordered to be sent down to y[e] house of Representatives, & accordingly was, pr. y[e] clerk.

Adjourned to to-morrow, 9 o'clock, A. M.

* [Copy of sd. Petition as on file.]

To his Excellency Saml. Shute, Governor & Commander-in-chief in and over his Majestie's Province of New Hampshire, and to ye Hon'ble the Councill and representatives convened in Genl. Assembly:

The humble Petition of severall of the Inhabitants of ye town of Portsmouth in behalf of themselves & others; most humbly sheweth:

That, whereas upon ye removal of the Revd. Mr. Rogers unto ye new Meeting-house, we, being disposed for one year and no longer to support a minister at the old, untill matters of ye town were amicably accommodate, did inadvertently sign unto a certain instrument without reading or considering ye contents thereof; and being since informed that ye import of ye sd. instrument was without any limitation of time whereby we and our successors are greatly insnared to our unspeakable hurt and prejudice:

Doe humbly pray that ye said instrument may be produced, whereby the false insinuations of those that insnared us may be detected, and that we may be released therefrom: and yor Petitioners shall ever pray.

Tobias Langdon,	Samuel Manson,
George Peirce,	Benjamin Lucey,
Jno. Skillen [?]	William White,
John Marden,	John Jackson, junr.

[Endorsed — "Petition p'ferred by Mr. Geo. Peirce, May 15th, 1717."]

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmo' by adjornm^{t}, May ye 17, 1717.

Present,

His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Geo. Vaughan, Esq. Lt Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jeffrey,	
Jno Wentworth,		Richd Wibird,	
Richd Gerrish,		Thom. Westbrook,	

[P. 62.] Mr. John Tuck brought up three votes to this board: ye first ab^{t} ye committee to supervise ye Laws; ye 2^{d} is ab^{t} ye Gent^{n} y^{t} took ye 1500£ out of ye treasury; & ye last ab^{t} continuing ye excise, wch last was sent back for amendment: ye two former are as follows:

In Councill.

Voted, That ye committee appointed to supervise ye Laws, &c., be Saml Penhallow & Theo. Atkinson, Esqs., from this house; and ye sheriff and clerk attend on s^{d} committee.

May 16, 1717. Rich. Waldron, Cler. Con.

Voted, That Lt. Colonel Smith, Col. Packer & Capt. James Davis, be a committee to joyn ye upper house for ye ends aboves^{d}.

Josh^{a} Peirce, Clerk, *pro temp.*

Whereas most of ye Gent^{n} who took mony upon interest of ye Province in Octr 1714, as appear by their several bonds executed, wch bonds terminated in Octob^{r} 1716 past, and ye several Gent^{n} as above, through the scarcity of mony being unprovided to comply with ye several obligations, desiring long^{r} time:

Voted, That the several Gent^{n} have ye liberty of paying in their several sums to ye house of Representatives at any time between this and Octr wch will be in ye year 1718, provided they give new bonds payable wth interest after ye rate of six pounds pr annum, to the Speaker of this house for ye time being, and y^{t} yy pay in ye same in bills of creditt of this Prov: already emitted, & y^{t} ye new bonds commence from ye 27th 8^{br}, 1716.

Ordered, that this vote be sent up by Mr. Tuck for concurrence

Josh^{a} Peirce, Cler. *pro tem.*

In Councill.

Voted a concurrence, wth ye above vote.

May 17, 1717. Richd Waldron, Cler. Con.

Capt. Langdon and others of Portsm^{o} appeared at this board, as also Capt. Pickerin & Mr. Cotton; ye two latter desired a copy of

ye Petition p'ferred by Capt. Langdon ag^st y^m, & some time to make their defence: Whereupon it was

Ordered, That ye clerk give a copy of s^d Petition to s^d Pickerin, and that the hearing be suspended till tomorrow, 9 o'clock, A. M.

[P. 63.] Messrs. James Davis & Fran^s Mathews appeared at this board to prosecute a Petition by them p'ferred on Wednesday last; and Capt. Jones and others also appeared, according to summons, to make their defence against s^d petition, and prayed a copy of s^d Petition & time to consider of it; upon which the hearing y^reof was suspended till his Excellency's next coming into this Province.

Richd Dolloff p'ferred a petition to this board for mony to enable him to redeem his children from ye Indians; wch Petition being read was sent down to the house of representatives, & there being considered, the same was sent back from s^d house by Maj. Wear wth a vote thereupon. Y^e petition is on file, and ye vote as follows:

Voted, That Richd Dolloff, ye petitioner above s^d, be allowed ten pounds out of ye treasury, towards ye redemption of his children now in captivity.

Josh^a Peirce, Cler. *pro temp.*

In Councill.

Voted a concurrence wth the above vote.

Richd Waldron, Cler. Con.

Maj. Wear brought up ye following vote to this board.

Voted, That the Act for excise be continued for ye ensuing year, 16 May, 1717, and that it be sent to ye upper house for concurrence.

Josh. Peirce, Cler. *pro tem.*

Sent up by Maj. Wear.

Voted, That Capt. Hugh Read & Col. John Plaisted be chosen a committee by this house to joyn ye committee of ye upper house for forming s^d Excise.

Josh^a Peirce, Cler. *pro tem.*

May 17, 1717.

In Councill.

Voted a concurrence ab^t ye Excise & y^t Col. Hunking and Capt. Wentworth, Esqs., be of s^d committee.

Rich. Waldron, Cler. Con.

May 17, 1717.

In Councill.

Order^d, That the Clerk notify Edward Cate to appear at y^e

Councill board to-morrow at 3 o'clock P. M., to answer to Maj. Vaughan, &c.

[P. 64.] This day Benjn Gambling, Esq., as Principal, & Saml Penhallow, Esq., as surety, entered into recognizance of two thousand pounds jointly & severally, for ye s^{d} Gambling's well executing ye office of Sheriff during his continuance in s^{d} office.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Met again according to adjornm^{t}.

Present as before.

Geo. Jeffrey, Esq., was sent down to the house of representatives to desire their speedy dispatch of ye vote for printing the fifteen thousand pounds of bills of creditt, &c.

Mark Hunking and Theo. Atkinson, Esqs., and the clerk of the Councill were sent down to the House of representatives to desire their vote ab^{t} ye Committee of auditt; wch vote was left wth that house, and afterward sent up pr. Capt. Wiggin wthout any amendment.

Adjorned to tomorrow, 8 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjornm^{t} May 18, 1717.

Present,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} Geo. Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jeffrey,	
Jno Wentworth,		Richd Wibird,	
Richd Gerrish,		Thom^{s} Westbrook,	

The Clerk was sent down to the House of representatives wth their vote ab^{t} ye Committee of auditt, not concurred wth in Councill.

Capt. Langdon & Mr. Geo. Peirce & others appeared at this board to prosecute their Petition, and Capt. Pickerin and Mr. Cotton appeared also to make their defence; the petition being read, and Pickerin's answer thereto, the matter was suspended till Monday next, 10 o'clock A. M.

[P. 65.] Capt. Wiggin brought up two votes to this board from ye house of representatives (viz.) a vote for the treasurer to lay an account of ye stores of warr before that board, as on file; And a vote for allowing the Govr twenty-five shillings pr diem, &c.;

wch latter vote was sent back by Jno Wentworth & Theo. Atkinson, Esqs., for amendm^t; wch being amended by putting thirty shillings in ye room of 25s., was again sent up pr. one of the members of s^d house, & is as follows:

Whereas it is evident y^t ye growing charge of this Province is such a burthen to ye subject as makes it very grievous,

Voted, That his Excellency the Govr be paid out of the publick treasury of this Province for the defraying his entertainments and expense, thirty shillings pr diem, for ye ensuing year, during the sessions of Genl Assembly from time to time, after ye first day of June next.

Read and past in the house of Representatives, and sent up for concurrence, by Capt. Wiggin.

Joseph Smith, Cler.

May 18, 1717.

In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

Joseph Smith, Esq., brought up a vote to this board, for making fifteen thousand pounds bills of creditt, wch was concurred wth in Councill, and is as follows:

Voted, That the sum of fifteen thous^d pounds in bills of creditt on ye same security and fund of those already emitted, be forthw^th made and printed, to be lett out for eleven years, at ten p'cent pr annum, to be paid yearly and every year for and during the s^d term; & then the p'sons, their heirs, &c., to be forever acquitted both of principal and interest; the s^d mony to be lett out on land security w^thin this Province; wch security shall be double ye value of ye money lent thereon; each town w^thin the Prov: to have a proportion thereof, according to ye last Prov: tax; and where that not yet stated to be now settled, the mony to be signed by a Comittee of both houses, two of ye upper & three of ye lower house, who shall deliver ye same to Committee to be chosen by each town w^thn this Prov: amongst themselves at a regular town meeting; & ye representatives for time being in each town, to be a part of [p. 66.] s^d Committee, who shall be impowered to lett it out on security, as above, to none above three hundred pounds, & to none less than twenty pounds, to ye inhabitants; the s^d town Committee to make a record of their proceedings in each town, and shall annually make return to ye Genl Committee of both houses, to whom the mony is lett and the land mortgaged therefor, who shall keep a record & annually receive ye ten p^r cent, wch shall be burnt an-

nually, in p'sence of ye Genl Assembly; and if any p'son delay paying the ten p'cent, the land mortgaged shall, after three months' notice given to ye mortgag^r, be sold, &c., & in case of decease of ye mortgag^r, then a proper time to be allowed to his heirs, if und^r age, or to Exe^rs for paying the same: the Committee of both houses to have power to manage the whole affair, & to lett out ye proportions of any town that will not chuse a Committee as above, or take their proportion, or deliver it in proportion to the other towns; the security to be made to the Genl Committees, &c., & if any p'son pay in any other bills than of this Prov: to discount five p'cent on other curr^t bills of creditt; the first year's interest to be appropriated to defray ye charges; & whosoever shall be disposed to take up his or their mortgage shall have ye liberty from time to time, and at all times after the first two years so to do; he or they paying into the Comittee appointed for emitting s^d mony any such sum or sums that may be unpaid of the sum first taken.

May 18, 1717. Read three times and past in the house of representatives & sent up for concurrence.

JOSEPH SMITH, Cler.

In Councill.

Eodem die. Voted a Concurrence wth ye foregoing vote.

Richd Waldron, Cler. Con.

May 18, 1717. Cols. Tho. Packer & Joseph Smith & Capt. Jno. Gillman, are chosen a Committee of the house of representatives to act and do in ye affair mentioned on the other side.

Jos. Smith, Cler.

Sent up by John Tuck.

In Councill.

Voted, — a concurrence wth the above vote, & further [P. 67.] Voted, That Jno. Wentworth and Geo: Jeffrey, Esqs., be joyned to ye members of the house of Representatives above mentioned for the service above.

Richd Waldron, Cler. Con.

Mr. Saml Wentworth, of Boston, appeared at this board and made an information ag^st Thom^s Phipps, Esq., late high sheriff, for not serving an execution delivered him by s^d Wentworth's attorney, according as ye law directs. Whereupon, it was

Ordered, That the s^d Phipps be notifyed thereof, that he may appear to make his defence at three o'clock, P. M., this day.

Geo. Jeffrey, Esq., was sent down to the house of Representatives to require their attendance at ye Councill board: they came

accordingly: — when his Excellency the Govr proposed to them and recommended to their consideration, ye differences in the town of Portsm^{o}; and desired them to think and consid^{r} of some way and method to accommodate.

One of the members of the house of Representatives brought up ye following vote to this board:

Voted, That Maj^{r} Peter Wear, Capt. James Davis & Josh^{a} Peirce be a committee from this house to joyn the committee of the upper house to draw the bill of fifteen thousand pounds bills of creditt to be distributed by a Genl Committee to be chosen of both houses, to distribute the same to each town in this Province, in proportion, according to their late Prov: tax.

Read and past by the house of Representatives and sent up for concurrence.

May 18, 1717. Jos. Smith, Cler.

Eodem die. In Councill.

Voted, That Richd Gerrish, Theo. Atkinson and Geo Jeffrey, Esqs., joyn wth the Gen^{t} mentioned on ye other side, for the service there mentioned.

Rich. Waldron, Cler. Con.

[P. 68.] The Clerk was sent down to the House of representatives wth a vote for granting his Excellency fifty pounds to make the present of the Goverm^{t} to him equall wth w^{t} they gave Col. Dudley at his first coming.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present, — as before, except

Theo. Atkinson, } Esqs.
Thos. Westbrook, }

Mr. Saml Wentworth appeared at this board to prosecute his compl^{t} agst Mr. Phipps. Mr. Phipps also appeared to make his defence. The opinion of the board upon hearing the matter is, that the complainant take his course at ye common law.

Adjorned till Monday, 8 o'clock A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth, by adjornm^{t}, May 20th, 1717.

Present,

His Excellency, Saml Shute, Esq., Govr,
His Hon^{r} George Vaughan, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Richd Wibird,	
Jno. Wentworth,		Thom^{s} Westbrook,	
Richd Gerrish,			

Matthew Robinson appearing at ye Councill board, and being sworn, made information concerning some pirates, as on file, dated May 20th, 1717.

The Clerk was sent down to the house of representatives wth a vote for impressing a Chart of ye Sea Coast of ye Prov: &c., also, wth a copy of s^{d} Chart, wch vote was returned from s^{d} house not concurred wth.

Mr. Saml Easman brought up ye following vote to this board:

In Councill.

Whereas Col. Dudley at his first coming Govr into this Prov. was p'sented wth two hundred and fifty pounds, and his Excellency [P. 69.] Gov. Shute has had, as yet, but two hundred pounds,

Voted, That he be p'sented wth fifty pounds more to make the present equall wth what was given Col. Dudley.

May 18th, 1717. Richd Waldron, Cler. Con.

Voted, a concurrence. Joseph Smith, Cler.

Mr. Odiorne brought up a vote to this board ab^{t} powd^{r},— as on file, dated May 20th, 1717.

Adjorned to 3 o'clock P. M.

Pro: N. Hamp^{r}. Met according to adjornm^{t}.

Present,—as before.

Geo. Walton appeared at this board to have a Commission of Bankrupsie, &c.; Geo. Walker, of Portsmouth, baker, p'ferred a Petition to this board to become a bankrupt, also, Ordered

In Councill,

That both their affairs, referring to ye s^{d} Acts of Bankrupsie, be deferred till ye next sessions of ye Genl Assembly; and that all processes in Law agst either cease till said sessions of Genl Assembly.

Richd Waldron, Cler. Con.

In Councill

Ordered, That if the cause depending between Maj. Vaughan & Edwd Cate be not determined by an arbitration between this and the last of June next (tho' either of ye p'ties dye before the determination), the matter shall and will in such case finally be determined by the Govr and Councill.

Richd Waldron, Cler. Coun.

The Clerk was sent down to ye house of representatives to require their attendance at the Councill board; they came accordingly, when was read the bill for emitting and printing fifteen thousand pounds bills of creditt of this Province, and then the same was signed and sealed in p'sence of both Houses; after wch his Excellency was pleased to prorogue ye Genl Assembly to ye 24 Sept. next; and accordingly in his Majtie's name were

Prorogued to ye 24th 7^br, 1717.

NOTE BY THE EDITOR.

Between the time of the Prorogation and the next meeting of the General Assembly, an important treaty was concluded with the Eastern Indians, of which the following is the official account as published soon after.

The printed copy is here followed.—ED.

Treaty of 1717, at Georgetown.

George Town,*

On *Arrowsick Island*, Aug. 9th. 1717.

Annoque Regni Regis GEORGII *Magnæ Britanniæ*, &c.

Quarto.

A conference of his Excellency the GOVERNOUR with the Sachems and chief Men of the Eastern Indians.

His Excellency being Arrived here in His Majesty's Ship the Squirrel, the Indians sent a message to him from *Puddlestones*-Island, (where they were assembled) Desiring to know when it would be his Excellency's pleasure that they should attend him. His Excellency told them at Three a Clock this Afternoon, when he would order the Union Flag to be displayed at the Tent Erected near Mr. *Watts* his house, And ordered a British Flagg to be delivered to the Indians for them to wear when they came, in token of their Subjection to his Majesty King George. At the Time appointed, the Flagg being set up, the Indians forthwith came over, with the British Flagg in their headmost Canoo.

His Excellency being seated under a large Tent (Erected for the occasion.) Attended by *Samuel Sewall* Esq; *Penn Townsend* Esq; *Andrew Belcher* Esq; and *Edmund Quincey* Esq; of the council of the province of the *Massachusetts-Bay*. And *Samuel Penhallow* Esq; *Mark Hunking* Esq; *John Wentworth* Esq; *Shadrach Walton* Esq; and *Richard Waldron* Esq; of the Province of *New Hampshire*, and several other English Gentlemen. Eight Indian Sagamores and Chief Captains, Namely *Moxus*, *Bommazeen*, *Wanudagumboit*, *Wiwurna*, and *Quequaroomanit* of *Kennebeck*. *Querenebuit* of *Ponobscut*. *Adeawando*, of *Pegwacket*, and *Sabbadis* of *Ammarescoggin*, Approached and made their reverence to his Excellency, who was pleased to give them his Hand. And then directed that Capt. *John Gyles*, and Mr. *Samuel Jordan*, Interpreters of the Indian language, should be Sworn to be faithful in that Service, and Judge *Sewall* administered to them an Oath accordingly. And his Excellency was pleased to make a Speech to the Sagamores, &c. which was deliberately Recited and Interpreted to them. And is as follows. *viz.*

* GEORGETOWN is in Lincoln Co., Maine, 50 m. S. of Augusta. It consists of two considerable Islands at the mouth of Kennebec river, which runs on the West, and Sheepscot river on the East, with the Atlantic on the South. It was incorporated in 1716. It has excellent harbors, and is considerably engaged in navigation and the fisheries. An unsuccessful attempt was made to form a settlement in this place by Plymouth adventurers, in 1607, but it was abandoned the next year. In 1850, there was a population of 1,121.

Interpreter. Tell the Sachems, 'That notwithstanding the great 'Fatigue and Danger of this Expedition, yet to comply with my 'own Word, and their Desire, I am now come to see them, and 'am very glad to find so many of them in Health.

Tell them, 'That I find by the Records of His Majesty's Gov-'ernment of *New-England*, which I have now the Honour to be 'Intrusted with, that there have been many Treaties between the 'English Government, and them, as there was occasion: And that 'the last Interview was at *Pascataqua* about four Years ago, 'and then my very worthy Predecessor, Governour DUDLEY 'accepted their Submission, and Ratified all former Treaties and 'Agreements with them; and that he gave them all possible As-'surances of Justice, Friendship, Protection and fair Commerce 'and Dealing upon their Fidelity, Peace and Obedience to the 'Crown of *Great Britain*; and that I shall Build on that Founda-'tion.

Tell them, 'That since that good Treaty was made, the Crown 'of *Great Britain* is happily Descended to His Most Excellent 'Majesty KING GEORGE, and forever Established in His Royal 'Protestant Family, which GOD be praised, are many. That it 'is in the Name and by the Command of KING GEORGE, that 'I am now Speaking to them, and that they may, and should Es-'teem it as an Instance of the King's great Favour, that I have so 'soon visited them.

Tell them 'That there is a very good agreement between KING 'GEORGE, and his Neighbours, more especially the *French Na-'tion*, who have a Just and Great Esteem for His Majesty, And 'are very desirous of His Friendship, and Peace with Him: And 'that His Majesty's Subjects at home and abroad account them-'selves, very happy in His Majesty's Government, for that, It is 'Wise, Just and Kind; His Majesty consulting the common Wel-'fare of His People, as to their *Religion, Civil Liberties, Trade*, 'and every other thing.

Tell them, 'That this Great, Good and Wise Prince KING 'GEORGE, is their KING, as well as Ours, and that therefore 'we look upon them, and shall always Treat them as fellow Sub-'jects; and that they must likewise remember at all times, that 'they are KING GEORGE's Subjects, under His Allegiance and 'Protection, and they must by no means hearken to any contrary 'Insinuations, that will always find themselves safest under the 'Government of *Great Britain*.

Tell them, 'KING GEORGE, and the *British Nation*, are 'Christians of the Reformed Protestant Religion; That the great 'and only Rule of their Faith and Worship, and Life, is con-'tained in the BIBLE, [the Governour holding one in his hand] 'here in this Book which is the Word of GOD [*Sachems*] is con-'tained our Holy Religion; and we would gladly, have you of 'the same Religion with us, and therefore we have agreed, to be 'at the Charge of a Protestant Missionary among you, to instruct 'you, and this is the Gentleman [shewing Mr. *Baxter* to them] 'And I hope also in a little Time, to appoint a Schoolmaster 'among you to teach your Children, and that I hope and expect 'that they Treat this Protestant Missionary with all affection and

'respect, not only for the sake of the King's Government, but of 'his own Character, He being a Minister of *Jesus Christ* our only 'Lord and Saviour, who will Judge them and us at the last day.

Tell them, 'That the English Settlements that have lately been 'made in these Eastern Parts, have been promoted partly on their 'accounts, and that they will find the benefit of them in having 'Trade brought so near them, besides the advantage of the Neigh-'bourhood and Conversation of the English, to whom I have given 'strict Orders, that they be very just and kind to the Indians, 'upon all accounts, and therefore if at any time, they meet 'with any Oppression, Fraud, or unfair Dealing, from the Eng-'lish in any of their affairs; let them make their Complaint to any 'of my Officers here, and then I shall soon hear of it, and take 'speedy and effectual care to do them right. Or if upon any 'great occasion, they chuse to send any of their Body to me di-'rectly, they shall be very welcome. I shall always be ready to 'protect and assist them, For I would have them look upon the 'English Government in *New-England* as their great and safe 'shelter.

Tell them, 'That if they have any thing fit, or reasonable to ask 'of me, at this time, they shall be very welcome to lay it before 'me, and I shall give it all due consideration, and that I expect an 'Answer from them to what I have said.

Tell them, *Interpreter*, 'That in token of my great sincerity and 'affection to them, and as an earnest of my future Justice and 'Kindness to them, I here give my Hand to their Sachems, and 'Chief Captains.'

Then his Excellency taking an English and Indian Bible in his Hand, bid the Interpreters tell them that he gave them those Bibles, and left them with Mr. *Baxter*, their Minister, for their Instruction, whenever they desire to be taught. The Minister will reside here, or hereabouts, and so will the Schoolmaster to Instruct their Children, when they have a mind to send them.

Then his Excellency Drank King GEORGE'S Health to the chief Sagamore *Moxus*, which he, and all the rest pledged.

Wiwurna stood up, and said he was appointed to speak in the Name of the rest.

Governour. Go on.

Wiwurna. We are very glad of this opportunity, to see your Excellency, when the Sun shines so bright upon us; and we hope the Angels in Heaven rejoyce with us; We have been in expectation of this favour ever since we received your Excellency's Letter in the Winter.

We are not now prepared to answer what your Excellency has said to us; But shall wait on your Excellency again to Morrow.

Governour. It is well: at what time?

Wiwurna. We desire his Excellency to appoint the time.

Gov. Let them come about Nine o'clock, when they will see the Flag set up. I will give them an Ox for dinner, and let them send some to Kill, and Dress it.

Wi. We are very thankful to your Excellency, for some of us have had little to eat for these two Days.

Then the Indians took leave and withdrew.

Aug. 10*th*, 1717.

THE eight Sachems, and chief Captains that Attended Yesterday appeared again with some other Principal Indians accompanying them.

Wi. It is a great favour of GOD we have this Opportunity to wait on your Excellency, and we have our Answers ready.

Gov. Let them Speak.

Wi. We have done with the Treaty at *Pascataqua*, and now proceed to a new one.

Gov. They Ratify and Confirm former Treaties.

Wi. Yes, we do.

His Excellency Ordered the principal Articles of their Submission at *Pascataqua*, to be Read and Interpreted to them: And then Ask'd them, whether they did remember & acknowledge them?

And the Indians Answered, They did.

Wi. We have considered what his Excellency said Yesterday, and the first thing was for Love and Unity; and we admire it exceedingly. And believe it pleases GOD. And hope your Excellency will endeavor it shall be so.

Gov. I assure them of it, If they carry themselves suitably, with Duty and Allegiance to KING GEORGE.

Wi. We hope all hard thoughts will now be laid aside, between the English and Us, and that the Amity will be hearty.

Gov. Very well.

Wi. We are pleased that his Excellency is Commander of *New-England*; and that altho' He is lately Arriv'd from *England*, He is acquainted with the Affairs of *New-England*, and hope all things will be well.

Gov. Tell them if they behave themselves well, I shall use them kindly.

Wi. We had the same Discourse from other Governours, as from your Excellency: and we have said the same, to them. Other Governours have said to us that we are under no other Government but our own.

Gov. How is that?

Wi. We pray leave to speak out. Your Excellency was pleased to say that we must be Obedient to KING GEORGE, which we shall if we like the Offers made us.

Gov. They must be Obedient to KING GEORGE, and all just Offers and Usage shall be given them.

Wi. We will be very obedient to the KING, if we are not Molested in the Improvement of our Lands.

Gov. They shall not be Interrupted in the Improvement of their lands; and the English must not be Molested by them in theirs.

Wi. We are pleased with the liberty your Excellency gives us, of making Mention of any wrong we have suffered.

Gov. They must Desist from any Pretensions to Lands which the English own.

Wi. We Pray leave to go on in order with our Answer.

Gov. Let them go on.

Wi. If any wrong happens to us we will not avenge our selves, but apply to your Excellency for Redress. If any Foreign Indians come upon us, We shall Acquaint your Excellency, but hope by our Young Men to defend our selves.

Gov. If they want help our Young Men shall assist them also.

Wi. If any quarrel happens & blood should be shed, We will not avenge our selves, but apply to your Excellency. We Return Thanks to your Excellency for your favour in offering us Succors, & if there should be any Disturbance we shall not Complain without real proof, nor for any frivolous matter.

Wi. This Place was formerly Settled and is now Settling at our request: And we now return Thanks that the English are come to Settle here, and will Imbrace them in our Bosoms that come to Settle on our Lands.

Gov. They must not call it their Land, for the English have bought it of them and their Ancestors.

Wi. We Pray leave to proceed in our Answer, and talk that matter afterward. We desire there may be no further Settlements made. We shan't be able to hold them all in our Bosoms, and to take care to shelter them, if it be likely to be bad weather, and Mischief be Threatened.

As to the Ministers Instructing us:

All People have a love for their Ministers, and it would be strange if we should not love them, that come from GOD. And as to the Bibles your Excellency mentioned, We desire to be excused on that Point. GOD has given us teaching already, and if we should go from that we should displease GOD. We are not capable to make any judgment about Religion.

Your Excellency was not sensible how sick we were Yesterday to see the Man of War ashore, We were so faint we could not Speak out with strength, and we are now very glad the ship is well.

We are very glad to wait on your Excellency, and to tell you, That we sent our Young Men early this Morning, to see if the Ship was well, and were very glad to hear she was.

Gov. Tell them, I accept their respects for His Majesty's Ship, and if the Ship can help them at any time, It shall be ready to do it.

Wi. We shall be very glad when we have concluded, that your Excellency may have good winds, and weather, and get safe down this River and home.

Gov. Tell them they must be sensible and satisfied that the *English* own this Land, and have Deeds that shew, and set forth their Purchase from their Ancestors. And we will not be molested in our Improvement of them. And they shall not be molested in the Improvement of the Lands that belong to them.

Tell them also, That Complaints are made to me that some of them have violently taken things from some of the English, as the Meat out of their Pots, and other things which is contrary to the Law of GOD and Man, and that they had forbid the English Planting on their own Lands, and that the Night before last they killed some Young Cattel belonging to the English, (which indeed they had first informed of, and desired forgiveness) all which is contrary to their Articles.

Wi. We desire time to consult.

Gov. They may have it, but tell them I expect to see them again at Three a Clock, with a positive Answer about the Lands. And that they should always Muzzle their Dogs, when they come upon the English lands where their Cattle are.

Wi. We are very thankful that your Excellency gives us leave to consider, and shall attend your Excellency at the time appointed with our Answers, for it is not a jesting matter we are now upon.

3 a Clock in the Afternoon.

Wi. We are Willing to cut off our Lands as far as the Mills, and the Coasts to *Pemaquid.*

Gov. Tell them we desire only what is our own, and that we will have. We will not wrong them, but what is our own we will be Masters of.

Wi. It was said at *Casco* Treaty, that no more Forts should be made.

Gov. Tell them the Forts are not made for their hurt, and that I wonder they should speak against them, when they are for the security of both, we being all Subjects of King GEORGE.

King GEORGE builds what Forts he pleases in his own Dominions and has given me Power to do it here, and they are for their security as well as our's, and the French do the like. They build what Forts they please, and all Kings have that Power, and the Governours they appoint to do the same.

Wi. We can't understand how our Lands have been purchased, what has been Alienated was by our Gift.

His Excellency hereupon ordered a Deed of Sale of Lands on *Kennebeck River*, made by Six Indian Sagamores, to *Richard Wharton*, should be opened and exhibited to them, which was done and partly Read, and Interpreted to them.

Wi. As for the West side of *Kennebec River* I have nothing to say, but am sure nothing has been Sold on the East side.

Gov. I expect their positive Answer and Compliance in this matter, that the English may be quiet in the Possession of the Lands they have purchased.

Wi. We don't know what to think of new Forts built.

Gov. I have spoke to that fully already, and told them they are for our mutual defence.

Wi. We should be pleased with King GEORGE if there was never a Fort in the Eastern Parts.

Gov. Tell them that wherever there is a new Settlement, I shall always order a Fort, if I think it proper, and that it is for the security of them and us, and so do the French. Are any People under the same Government afraid of being made too strong to keep out Enemies?

Wi. We are a little uneasy concerning these Lands, but are willing the English shall possess all they have done, excepting Forts.

Gov. Tell them we will not take an Inch of their Land: nor will we part with an inch of our own.

Wi. We shall have Fishing and Fowling wherever we will.

Gov. It is freely consented to, and they are assured of it.

Then the Indians rose up at once & withdrew, in a hasty abrupt manner without taking leave, and left behind them their English Colours, returning to their Head quarters at *Puddlestones-Island*,

And in the evening brought to His Excellency a Letter from *Sebastian Ralle*, their Jesuit, Dated the 17th of *Aug.*, 1717. Wherein he says, that Governour *Vaudreville* had written to them, that when he was lately in *France*, he had enquired of the King of *France*, whether he had in any Treaty given away the Indians Lands to the English, and that the French King told him, he had not, but was ready to succour the Indians, if their Lands were encroacht upon. Which his Excellency read and rejected as not worthy of his Regard. And the Indians return'd.

August 11*th*, 1717.

His Excellency went on board the Squirrel Man of War, and Ordered the Fore-top-sail to be loosed. Whereupon a Canoo with two *Indians* hastened on board & acknowledged the rudeness & ill Manners they were guilty of Yesterday, and Pray'd that they might see his Excellency again.

His Excellency told them they should if they quitted their unreasonable Pretensions to the English Lands, and Complied with what he had said, but not otherwise. Which they promising to do, His Excellency Appointed to meet them at Six a Clock. And the Indians Desired they might have the British Colours again; which were given them and they returned.

And at the time appointed the Sachems, and Principal Men came over with the British Colours, leaving behind them *Wiwurna*, because (as was said) he had behaved himself so improperly Yesterday.

And they appointed *Querebennit* their Speaker.

Quer. We are very sorry for our rude Carriage Yesterday, and Pray it may be forgiven. As your Excellency said if any thing should happen amiss, It should be rectified.

Gov. 'Tis well.

Quer. It was agreed in the Articles of Peace, that the English should Settle, where their Predecessors had done; And we agree to those Articles & Confirm them. And desire the English may Settle as far as ever they have done. And then Presented His Excellency a Belt of *Wampum*. And said, we Desire to live in Peace.

Gov. Tell them, if they don't begin the Quarrel, they shall have no occasion from us.

Quer. We desire that by the favour of GOD, we may always live in Peace and Unity.

Gov. We pray the same.

Quer. If any of our People should happen to be out in Cold and Stormy Weather, we desire the English to shelter them.

Gov. As long as they behave themselves well kindness shall be shown them.

Quer. We shall always do the same for the English, and GOD Almighty hears us say it.

Gov. It is doing like Christians.

Quer. What I have said GOD Almighty hears, and presented another Belt of *Wampum.*

Gov. We say the same, what is done is done in the presence of GOD.

Tell them I hear more complaints of some of them, that they have interrupted the English in their Affairs, Taken the Meat out of their Pots, &c. I expect that there be no more such Miscarriages; If any of our People should do so to them they should be punish'd severely.

Quer. We Pray supplies may be sent us.

Gov. Tell them that the Traders here shall supply them.

Gov. Ask them, What they want most?

Quer. In the Winter all necessaries are wanting, especially Provision and Amunition.

Gov. Tell them the Traders shall have order to supply them with what they want, at reasonable Rates.

Quer. We should be glad of one Trading House that may serve us all.

Gov. There shall be a place or 2, or 3, when I go home appointed, where they shall be supplied.

Quer. Mr. *Minot* is a good natur'd Man, and pleases us well.

Gov. There shall be here, and in other places supplies of Trade.

Quer. We Desire that Interpreter *Jordan* may be near to us, to Represent to your Excellency any thing that may happen.

Gov. I desire no better man.

Quer. We should be glad of a Smith here, to mend our Guns.

Gov. Here is one that has work'd for you and Complains he is not paid for it.

Quer. As to that I don't know, but it is a long time before he will do our work, and then he wont do it well.

Gov. If you take care to pay for your work, I shall Endeavour you shall have a good Lock Smith.

And tell them, that I thank them for their Present.

His Excellency Directed the following Instrument to be drawn up, and annext to the Articles of their Submission made at *Pascataqua;* which was Read, and Interpreted to them Paragraph by Paragraph by Interpreter Jordan, (Capt. *Gyles* having been ordered to his Command of the Fort at *Brunswick* Yesterday.)

And they all readily & without any Objection Consented to the whole.

August 12*th*, 1717.

Twenty of the Sachems, and Principle Men Sign'd & Seal'd & Deliver'd the said Instrument to his Excellency as their Act; being Witnessed by several English Gentlemen, and several of the Principal Young Men of the Indians. It is as follows, *viz.*

George Town *on Arrowsick Island in His Majesty's Province of the Massachusetts Bay, in* New England, *the* 12*th Day of* August, 1717, *in the Fourth Year of the Reign of Our Sovereign Lord* GEORGE, *by the Grace of* GOD *of* Great Britain, France & Ireland, KING, *Defender of the Faith, &c.*

We the Subscribers being Sachems & Chief Men of the several Tribes of Indians belonging to Kennebeck, Penobscut, Pegwacket,

Saco, and other the Eastern Parts of His Majesty's Province aforesaid, having had the several Articles of the foregoing Treaty distinctly Read & Interpreted to us, by a Sworn Interpreter, at this time, Do Approve of, Recognize, Ratify & Confirm all, and every the said Articles, (excepting only the Fourth & Fifth Articles, which relate to the Restraint, and Limitation of Trade & Commerce which is now otherwise managed.)

And whereas some rash & inconsiderate Persons amongst us, have Molested some of our good fellow Subjects the English in the Possession of their Lands, and otherwise ill-Treated them, We do Disapprove & Condemn the same, and freely Consent that our English Friends shall Possess, Enjoy & Improve all the Lands which they have formerly Possessed, and all which they have obtained a Right & Title unto; Hoping it will prove of mutual and reciprocal Benefit and Advantage to them and us, that they Cohabit with us.

In Testimony, and Perpetual Memory whereof We have hereunto set our Hands and Seals, in behalf of our Selves, and of the several Tribes of the Indians, that have delegated us to appear for, and Represent them the Day and Year aforementioned.

[These lines are torn or illegible in the copy.]

This Affair being finish'd several Sachems
that Supplies might be sent to *Winter Harbour*,
Small Point, and a Sloop with Supplies to *Pen*
told them he would gratify them in. As
hunt the Fowl with floats.

Mug. Complain'd he had left *Fifteen Sh*
that he would not restore it to him.

And they Desired that Capt. *Lane* might
ter, or some other Person sent in his room.

Sarvmbamet Complained that Mr. *Nowel*
for him an English Young Woman, a Captive
succeeded, and £10 if he attempted, and did
Endeavoured it without success, and said
his bargain.

To all which his Excellency Replied that he
should be done them.

Then all the Sachems and Chief Men came
his Excellency their hands; one of them
Peace might continue as long as the Sun.

And his Excellency ordered then
munition, which they accepted very thankfully, and Pray'd that their Young Men might be allowed to come over, and give his Excellency a dance, which his Excellency allowed of.

BOSTON. Printed by *B. Green*, Printer to His Excellency the GOVERNOR & COUNCILL: And Sold by *Benj. Elliot*, at his Shop below the Town-house, 1717.

[P. 70.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by prorogation, Sept. 24, 1717.

Present in Councill,

The Honble George Vaughan, Esq., Lt, Govr,

Saml Penhallow, Mark Hunking, Jno. Wentworth, } Esqs.
Theo. Atkinson, Geo. Jeffrey, Richd Wibird, } Esqs.

His Hon^{r} the Lt. Govr made a speech to the Councill.

This day his Hon^{r} the Lt. Govr was pleased in the name of his Maj^{tie} King George, to suspend Saml Penhallow, Esq., from sitting, acting or voteing at the Councill board (till his Maj$^{tie's}$ pleasure should be further known) for such reasons as he should transmit to the King.

Mr. Penhallow prayed to know for what reason it was that he was suspended: the Lt. Govr answered and said as before, the reasons of his suspension he should send to his Maj'tie the King.

The Lt. Govr read an ord^{r} from the Govr sent to him to prorogue the Genl Assembly to the 2^{d} 8^{br}; which then stood prorogued to ye 24th 7^{br}.

The L^{t}. Govr sent the clerk to call the house of representatives to this board: they came accordingly; when his Hon^{r} was pleased in the name of the King, to *dissolve* the Genl Assembly. After wch Jno. Wentworth, Geo. Jeffrey and Richd Wibird, Esq., entered their dissent to ye proceedings; y^{re} advice not being asked therein.

The Lt. Govr asked the opinion of the Councill ab^{t} calling a new Assembly. Mr. Atkinson answered that in that matter he should not act, since, in suspending Mr. Penhallow nor in dissolving the Assembly, he did not ask any advice.

The two following speeches were this day made at the Councill board, by his Hon^{r} ye L^{t}. Govr; the former to the Councill, ye latter to ye Assembly:

[Speech to the Council.]

[P. 71.] *Gent:* You cannot but believe that I am informed of many things spoken to my p'rejudice; when private whisp^{rs} defamatory to me are handed forward, I pass y^{m} over wth slight and disregard, and believe that every thing designed agst me has turned to my advantage, and will still do so. But when matters are carryed further, wherein ye honour of the Crown and the interest of the King's Maj'tie is especially struck at; when revenge's mother utters bold challenges, raiseth batteries & begins to cannonade the pow^{rs} established of my sovereign, I acknowledge myself alarmed; which I shall in no wise tolerate or endure; as

I am honored of the King, I will do my utmost to support it, and not lett his Commission be vilifyed at the rate some will have it: To have a due defference paid to it is wt the King requires and expects, especially from his Ministers; and to have them studious of lessening the authority therein granted, is an aggravated fault, and I cannot but wondr at ye arrogancy and pride of those who do not consid^r I am a superiour match, as being armed wth powr from my prince, who doth execution at ye utterance of a word; and I hope none will be so sturdy as to dispute it. If I soar too high, the fall won't crush them: if they run too fast, their repentance may be timely. What I have to say to you, Mr. Penhallow, is in gross, & is, That yor busyness for a long time has been to sow discord in the Commonwealth, and yor endeavors to propagate confusion and diference in each town wthin ye Governmt, wch your avowed principles oblidge you to sodder as much as in you lies, ye affections of majestrates & people — thereby to diver all things wch naturally produce dissention, tumults and fueds: the p'ticulars I have and shall transmitt to my principal Lord, the King, in whose name & by virtue of whose powr I suspend you, Saml Penhallow, from sitting, voteing, or assisting at the Councill board, till his Majties pleasure shall be known.

GEO. VAUGHAN.

[Speech to the House.]

[P. 72.] *Gent:* You have been sent to, to know if any thing &c. . . and the answer returned, is,*

I have three things to direct myself to you in, as

1st. That yor sessions last was dilatory and little or nothing affected, whch does not bespeak yor unanimity.

2ly. That I have sundry allegations, complaining of the Illegality in the choice of sundry membrs of your house, and prayers thereon, and

3ly. That I esteem myself much dishonored and disregarded by your house in your last sessions (viz.), That whereas I came and sent to you three times to desire an opportunity to offer some things for the King's interest, I could not find admittance, nor be heard at all, tho' I was told I should p'sently be honored in my request, and

4ly. Whereas I have had the King's stores of cannon, powdr, &c., in my hands as Commander of the Fort, and had an account

* The only Record relative to this in the Journal of the House is as follows:

"The House met according to prorogation, Sept. 24, 1717.

Present,

Mr. Speaker, Tho. Packer,

Capt. John Gillman,	Capt. Perce,
Capt. John Gillman,	Mr. Dennet,
Capt. Wigins,	Maj. Wear,
Mr. Dambe,	Mr. Tuck,
	Joseph Smith.

"Sept 24, 1717. The House sent for up by the Lt. Governr Vaughan & dissolved in his Majesty's Name. JOS. SMITH, Clerr."

of last year's extraordinary expence und^{r} Col. Shadrach Walton & Mr. Coats, the fort-keeper's hands, sent to board of Ordinance lodged in the Secretary's office, and likewise ofered to be laid before the Representatives; yet there came an insinuation of an Imbesselm^{t}, notwithstanding there was a survey of the powd^{r}, &c, by a Committee from ye Councill board, to their satisfaction, (viz.): Capt. Atkinson & Col. Walton; wch I cannot but esteem as a grievance; and that you are not well disposed to business, I do therefore, by virtue of my Royal Master, King George's power to me given & in the King's name, dissolve this present Assembly.

GEO. VAUGHAN.

[P. 73.] Pro: N. Hamp^{r},

At a Genl Assembly held at Portsm^{o} 8^{br} 2^{d}, 1717.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno. Wentworth,		Richd Wibird,	

His Excellency the Govr sent the clerk down to the House of Representatives* to call them to this board; they came accordingly: Then his Excellency made the following speech to the Genl Assembly.

Gentn: I cannot omit at the opening this session to take notice of the unwarrantable and illegal proceedings of Lt. Govr Vaughan.

In the Commission he received from his Maj'tie King George, he is commanded to observe all such orders wch from time to time he shall receive from the King or myself; and all p'sons are required to take notice of the same.

Some months since w^{n} God, ye wise disposer of the elements, was pleased to afflict us wth a great drought, I sent orders to the Lt. Govr to proclaim a fast, to implore God's favour, and that He would be pleased in his great mercy to water the parched earth

* [From Journal of the House.]

"1717, 2 Oct. Ye House mett this day by his Excellency's prorogation:

Present,

Capt. Read,	Capt. Jno. Gillman,
Mr. Eph: Dennet,	Mr. Speakr Packer,
Josh. Peirce,	Col. Davis,
Joth: Odiorn,	Capt. Tibbett,
Andw. Wiggin,	Jno. Damm.
Jon. Gillman,	

The house according to adjornmt mett at time apointed.

Voted, Josh: Peirce Clark to ye Assembly."

wth refreshing showers; wch order he refused to obey, and there was no fast in the Province.

Ab^t ye 16th Sept., I wrote to ye Lt. Govr and ordered him to prorogue the Assembly, wch was ordered to meet on ye 24th Sept., to the 2^d 8br. Instead of performing w^t I had directed, he has p'tended to dissolve you, so that he has not only disobeyed the King's commands and mine, butt would have imposed on you, who are the representatives of this Province, by assuming a pow^r to himself wch he [P. 74.] is not invested with, when I am in America; nor can I believe any p'son can be so void of sense or reason as to imagine that the King made me Govr of New Hamp^r onely for the six weeks in a year that I am here, as the Lt. Govr would have you believe.

Give me leave, therefore, Gen^t, to observe to you, w^t confusions would attend this Province if w^t this Gent^n has been aiming at was practicable.

It is very possible that it might so happen that not only a Govr & Lt. Govr might disagree, but that also the oldest Council^r might jarr wth both of them, what then must be the consequence? Why truly, if an Assembly was chosen wch the Govr thought to be for his Maj^ties service, and also of this Province, if the Lt. Govr did not like them, so soon as I was gone to Boston, he would dissolve them: If then another Assembly was chosen & they were approved of by the Lt. Govr, and not by the Govr, he then would dissolve them; If a third should be chosen wch the Govr & Lt. Govr did approve of & the oldest Council^r did not, when we were both out of the Province, he would dissolve them also; so that this Province would be like a monster wth three heads and three hands, each endeavoring in their turn to undoe w^t the other had done. There could be nothing then butt elections and dissolutions, the King's commands would remain unknown and unexecuted, and ye affairs of the Prov: neglected & at a dead stand.

I do not, therefore, in the least doubt that since you are mett, that you will show your resentments to these mischievous proceedings, and put a stop to them; wch tend to nothing but to inflame the people, and would end in nothing but utter ruin and destruction of this Province.

[P. 75.] I am glad I can inform you that since I saw you last, I have had an interview wth the Eastern Indians, and have brought them into such measures as are for the hon^r of my master, King George, and that tend to the quiet and peace of these Provinces, wch are the two principal things I aim at in all my transactions. After the treaty was concluded, and the former articles of peace, and some new ones signed and ratifyed, the Ind^ns complained to me ab^t the English men's fowling upon floats; and desired that where either of the Provinces had any new settlem^t, that p'sons might be appointed there to furnish them wth all necessaryes at a moderate rate. I promised them that I would endeavour to redress their grievances and to assist them, wch I recommend to your care, since what they desire is so very reasonable.

'Tis your harvest time, and my affairs at Boston will quickly require my p'sence there: therefore, hope you will dispatch what shall be necessary, and that you will, ag^st our meeting in the

Spring, when we shall have more time to sitt, think of some measures to promote naval stores, wch will be very acceptable to his Maj'tie, and very beneficial to this Province.

Oct. 2d, 1717. SAML. SHUTE.

Adjorned to 3 o'clock, P. M.

[P. 74.*] Pro: N. Hampr. Mett according to adjornmt.

Present in Councill

As before.

His Excellency produced and lay'd three lett'rs before this board from Whitehall; the one directing his Excellency to send home an account of the State of this Province; the second was directing the method of drawing out the Minutes of Councill and Genl Assembly from the Journals in order to be sent home; and the third ordered the publishmt of two articles out of the treaty of peace and neutrality in America, conducted between England and France the 6-16 day of 9br, 1686. Whereupon it was

In Councill

Ordered, That a Proclamation be issued out accordingly.

Richd Waldron, Cler. Con.

Saml Penhallow & George Jeffrey, Esqs., were sent down to the house of Representatives to ask whether they wanted to be informed in any matters that caused their delay of busyness.

Richd Wibird, Esq., was sent down to the house of Representatives to require their attendance at the Councill board; they came accordingly; where his Excellency ord'ed to be read to them the minute of Councill abt Mr. Penhallow's being suspended, &c. He also read to ym several of his Instructions relating to that matter.

Adjorned to 9 o'clock tomorrow.

* By error in the original Record, 74 and 75 are repeated.

[P. 75.*] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portm^{o} by adjourm^{t} Octr 3^{d}, 1717.

Present in Council,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow, Mark Hunking, Jno. Wentworth, } Esqs.

Geo. Jeffrey, Shad. Walton, Richd Wibird, } Esqs.

Whereas on Wednesday the 2^{d} 8^{br}, the speaker of ye house of Representatives came to the Councill board, & there informed his Excellency in Councill, that Jos. Smith and Peter Wear, Esqs., and Mr. John Tuck refused to sitt in Genl Assembly, and said that if they were chosen again pr a new p'cept, they would not serve in said Assembly: It was desired by the Councill that a p'cept might be issued out for other Representatives for the town of Hampton, in the room & stead of ye afores^{d} Smith, Wear & Tuck; and his Excellency thereupon issued out a p'cept accordingly.

His Excellency the Govr ordered the clerk of the Councill a the Councill board, That, whereas he now had the Prov: Seal in his custody that he should not deliver the same to any p'son bu by his especial ord^{r} y^{r}for.

John Usher, Esq., p'sented these papers to this board, directed to his Excellency the Govr & Councill; the one a complaint agst Lt. Gov. Vaughan for irregularly entering upon the Governm^{t}; the second, agst Maj. Vaughan & Capt. Pickerin for their mismanagement as recorders; & the third, agst Col. Vaughan & Col. Waldron as Justices of the Inferiour Court of Common Pleas: he also p'sented a fourth pp [paper] respecting the wast lands of this Province, &c., all which are on file.

Geo. Jeffrey, Esq., in behalf of Maj. Peter Wear, p'ferred a Petition to this board to have a new township laid out on the wast lands wthin this Prov: as on file.

Adjorned to 3 o'clock, P. M.

[P. 76.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Council, as before.

Col. Davis & Capt. Odiorne, Esq., brought a vote to this board from the house of Representatives requesting his Excellency the Govr to send a p'cept to Hampton for Assembly men, &c., as on file: and also prayed leave of his Excellency in behalf of the house, that they might adjourn to Monday next.

Adjorned to Monday next, 3 o'clock, P. M.

* Repeated by error in the original.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t} October ye 7th, 1717.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno Wentworth,		Richd Wibird,	

Mr. Geo. Walton & Mr. Geo. Walker appeared at this board to prosecute their petitions ab^{t} being bankrupts, wch were both granted after the petitioners had taken the oaths as ye law directs in such cases, & it was in Councill ordered, That Messrs. Knight, Ayres & Field be commissioners to receive the claims due from said bankrupts' estate, &c., & that the clerk prepare Commissions accordingly.

Richd Waldron, Cler. Con.

In Councill.

Whereas Mrs. Hannah Jose appeared at this board & made Information that the surveyors of high-ways for ye town of Portsm^{o} had by ord^{r} of Quart^{r} Sessions of the Peace layed out a highway through her land, wthout any satisfaction made her therefor, very much to her damage, and prayed she might be considered in y^{t} regard; it was

In Councill

[P. 77.] Ordered, That the selectmen of s^{d} Portsm^{o}, be notifyed to chuse one p'son, & Mrs. Jose another, to apprise the damage she sustains by having said high-way laid out through her land, and that the town of Portsmo' pay her therefor—as also for her fence.

Richd Waldron, Cler. Con.

The clerk was sent down to the house of Representatives wth a vote for repealing the Act ab^{t} banckrupts.

Jotham Odiorne & Capt. Jno. Gillman brought up the following vote to this board from the House of Representatives, wch was sent thither for concurrence.

It appearing to this board that a great many inconveniences happen unto several creditors on the account of the Law in relation to the statute of Banckrupts,

In Councill

Voted; That the said Act be repealed, and hence forward be of none effect.

Richd Waldron, Cler. Con.

8^{br} 7, 1717.

Read three times in the house of Representatives, and voted a concurrence.

Josh. Peirce, Cler. to ye Assem^y.

Jotham Odiorne and Capt. Jno Gillman brought the Sheriff's precept (to the Selectmen of Hampton for chusing Assembly men) to this board, together wth the selectmen's return on the back side thereof, which paper was sent back by Mark Hunking and Geo. Jeffrey, Esqs., they being directed by his Excellency the Govern^r to demand the reason of the House of representatives of their sending s^d pp. to the Councill board: wch was performed; and the House by them returned the following answer: (viz.) To pray the opinion of the board upon it. To which ye board made ye following reply, & sent it the House pr. Saml Penhallow & Jno. Wentworth, Esqs.: (viz.) That the free-hold^rs at Hampton had not made a choice of ye representatives agreeable to the precept sent them.

[P. 78.] Jotham Odiorne, Esq., and Capt. Jno Gillman brought the House of representatives' answer to ye Gov^rs Speech to this board; wch is as follows:

Portsm^o, In N. Hamp^r.

May it please your Excellency:—

We have considered yor Excellency's speech, and imbrace this opportunity to resent the illegal, unwarrantable and imprudent management of the Lt. Govr in his late practices, wch so very much tend to the destruction of Governm^t, and confusion and ruin of this Province. We are sensible by yor Excellency's Commission and Instructions that none else is invested wth pow^r of Governm^t but yo^rself, while in America; and by the Lt. Gov^rs Commission we observe that he is onely to p'form such instructions and ord^rs as he shall receive from the King, or from his Command^r-in-chief for the time being; and for him to act, w^thout either is unwarrantable; but to act contrary thereto is illegal and highly imposing on his Maj^ties good subjects, directly leading them into distraction and confusion, the event of wch may be ye worst of evils. That such proceedings may be prevented for the future, we pray that care may be taken y^t loyalty, peace and unity may be p'served & continued.

We rejoice yor Excellency's interview with ye Eastern Ind^ns was attended wth so much success,* and are ready and willing to fall in wth any measures that the good agreem^t wth them may be continued & any grievances may be redrest.

We observe the affairs of y^r other Governm^t will quickly call you hence; wherefore we shall attend ye present busyness wth all

* See account of the Conference and Treaty with Eastern Indians, in Records preceding—pp. 693-701.

application & diligence that the publick affairs that cannot now be finished may be prepared agst ye next session.

7th 8^{br}, 1717. Tho: Packer, Speak^{r}.

Adjorned to tomorrow 9 o'clock, A. M.

[P. 79.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}, by adjournm^{t}, 8br. 8th, 1717.

Present in Councill,

His Excellency, Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno. Wentworth,		Richd Wibird,	

Col. Davis and Capt. Jotham Odiorne, Esq., brought two papers from the House of Representatives to this board; ye one a copy of a vote out of Hampton town book, concerning Messrs. Smith, Wear & Tuck, representatives for s^{d} town, as on file; and the other a paper signed pr. the said Smith, Wear & Tuck, and by them p'sented to the house of represen^{ts}, wch is as follows:—

Pro: N. Hamp^{r}.

To the members of the late House of representatives for said Province:

Gent^{n},—The words in the King's Commission to His Excellency Col. Shute appears to us very plain (viz.), that when the Govr is absent out of the Province, then his Hon^{r} the Lt. Govr is authorized and impowerd to execute the powers contained therein, untill ye Govern^{rs} return into said Province: Now it is most certain ye Govr was not in this Province the 24th day of Septemb^{r} last past, when the Lt. Govr disssolved the Genl. Assembly.

Gent^{n},—Were there any room to dispute ye legality of the dissolution, and it should appear as illegal, yet sure notwithstanding that inasmuch as there was no adjournm^{t} of the house, you must necessarily as such cease to be; & in our opinion cannot wthout dishonour to the Crown, imposition on the people and danger to y^{r}selves, be capable of acting again, wthout a new election & new qualifications of the whole house; So that we, the subscribers, being now chosen by his Excellency ye Gov^{rs} p'cept, thereby implicitly confirming our opinion, that you are not looked upon as a House of Representatives—We count it not safe for us to act wth you, as you were on ye 24 of Sept. last dissolved untill new elected and qualifyed legally.

8br. 7th, 1717.

Gent^{n},

We subscribe o'selves y^{or} hum: serv^{ts},

Jos. Smith,
Peter Wear,
Jno Tuck.

[P. 80.] Col. Jos. Smith, Maj. Peter Wear, Esq., and Mr. Jn° Tuck were sent for to this board, & examined apart concerning the afores^d paper, by them subscribed;—wch examination is on file.*

* [Copied from the Paper on file.]

Jno. Tuck being sworn:

Ye Govr. asked, Who was at ye town meeting?

Tuck answered, Abt sixty men. Govr.: Who wrote the Town Vote? I wrote it. Govr.: Did nobody dictate to you? Tuck: There was several p'sons p'sent when I wrote it. Govr.: Who dictated to you? Messrs. Smith & Wear & myself did it amongst us. Govr.: Whether the paper signed by Messrs. Smith & Wear & yourself was read in ye town meeting? Tuck: Yes. Govr.: Was it read before or after the vote? Tuck: I don't certainly know, but I believe before ye vote.

Majr. [Wear] being sworn, to give true answers to such:

Govr.: Did you draw up ye vote? Wear: I did not. Who did draw it up? Wear: I don't know. Govr.: Was ye pp. signed by you putt into ye Genl. Assembly, read in Town meeting? I think it was, I can't certainly say if it was. Was it read before or after ye election? I don't know. Govr.: Wt was ye design of that pp. signed by you, &c.? It was given as reasons for our not sitting.

Joseph Smith being sent, for came, & being sworn:

Govr.: Did you write the vote of ye town? Smith: No. Govr.: Who did, were you not concerned? I wrote part of it. Did you write the pp. putt into ye Assembly, signed by yourself, Maj. Wear & Mr. Tuck? did you sign it? I did. Was it read in town meeting? No, but something like it or to ye same effect. Govr.: Where is yt pp. that was read? Smith: I have it. Govr.: Let me see it. Smith: I have not got it here. Where is it? I will send it.

Col. Smith, Maj. Wear & Mr. Tuck Examination, 8br 8th, 1717, minuted as follows.

Jno. Tuck on oath informed: That there was abt 60 men at the town meeting; that he wrote ye town vote for electing ye Assembly men; that Joseph Smith & Peter Wear dictated to him in writing sd vote, and that the paper signed by Joseph Smith, Peter Wear and himself was read in ye town meeting, but whether it was before or after ye vote was past he did not know.

Maj. Wear on oath informed, that he knew not who drew up ye town vote & could not certainly say whether the pp. signed by Joseph Smith, Esq., himself and Mr. Tuck was read in the town meeting or not, but that he believed it was. Then the Govr. asked wt ye design or end of that pp. was; to which he answered:—to shew the reason why they would not sitt in Genl. Assembly.

Jos. Smith, Esq., on oath informed, that he wrote part of the town vote, and that he wrote the paper that signed by himself, Peter Wear, Esq., & Mr. Tuck; that the said pp. was not read in town meeting, but something like it, or to ye same effect; which being demanded by ye Govr., he answered, he had it not there, but wd send it to his Excellency.

Then they withdrew.

[Vote of the Town.]

At a Legall meeting of ye freeholders of ye town of Hampton, the 7th of ye 8th mo. 1717.

Then chosen moderatr, Jno. Redman, sen.

Voted, That whereas, Wee ye town of Hampton, did elect Coll. Joseph Smith, Maj. Peter Wear & Mr. John Tuck our Representatives to sitt in ye late Generall Assembly, which Assembly was dissolved by his Maj'ty's Lt. Govr. Vaughan, as appears to us of Records: And now, having Rec'd a precept from his Excellency Govr. Shute,

Capt. Paul Gerrish & Lt. Benjn Wentworth having received commissions for Capt. and Lieut. of a troop of Horse in Dover, & Mr. James Jeffrey a Commission for Coroner & Notary Publick wthin this Province,—all took the oaths instead of the oathes of allegiance and supremacy, & ye abjuration oath accordingly.

The Clerk was sent down to the house of representatives wth a vote for a Committee of Auditt, &c., wch was returned from said house by Jotham Odiorne, Esq., concurred wth, & is as follows:

In Councill.

Voted, That Mark Hunking, Jno. Wentworth & Geo. Jeffrey, Esqs., be of a Committee from this board to joyn wth such as shall be chosen by the house of representatives, to receive the claims and auditt the accounts due from this Province.

8^{br} 8th, 1717. Richd Waldron, Cler. Con.

Read three times in the House of representatives and voted a concurrence.

Voted, that Col. James Davis, Jno Gillman, Esq., & Josh. Peirce be a Committee from this House to joyn ye Committee of the upper house for the auditt of the Prov: claims, in order to be laid before ye Assem^{b} for allowance.

Josh. Peirce, Clerk of Assem.

Adjourned to 3 o'clock, P. M.

[P. 81.] Pro: N. Hamp^{r}. Mett according to adjournm^{t}.

Present in Councill — as before.

The clerk was sent down to ye House of representatives wth a vote for chusing a committee to prepare several bills in ord^{r} to their being past into Acts, &c.

His Excellency the Govr and Councill having considered the affairs of Jos. Smith and Peter Wear, Esqs., & Deacon Jno Tuck, Ordered that that they be brought to the Councill board. They appeared accordingly, where was read to them the following vote of Councill:

In Councill.

Whereas, a libel has been drawn up and signed by Joseph Smith

for a new choice to joyn ye sd Assembly, dismist as above said; In answer to which wee say: If ye Representatives of our town are dismist, the whole are dismist. And wee humbly declare wee are of opinion not to joyn Assembly men with such as are not legally chosen & quallifyed.

Vera Copia.

Test. Jno. Tuck,

Town Clerk.

and Peter Wear, Esqs., and Deacon Jn° Tuck, wch was read to the free-hold^rs^ of Hampton in a publick meeting appointed for electing three other members in the room of the s^d^ Joseph Smith, & Peter Wear, Esqs., & Deacon Jn° Tuck, who were not dismis^t^* the house as they do in said libel falsely insinuate; but bec: they themselves refused to act or sett in the said Assem^l^ then mett; and whereas the s^d^ libel they afterwards sent to the low^r^ house, wch by them was sent to ye Councill, who having fully examined the matter:

Voted, That the s^d^ libel reflects highly on the goverm^t^, is false and scandalous, and was handed ab^t^ only to stir up sedition and tumults in this his Maj^ties^ Prov: of New Hamp^r^; and also that the said Joseph Smith, Peter Wear, Esqs., & Deacon Jn° Tuck, do enter into bonds wth sureties of four hundred pounds each, to answer what shall be alledged ag^st^ them, in relation to these matters, when they shall be summoned to appear to answer y^re^to, before the Govr and Councill, and to be of good behaviour, paying fees, and in case they refuse, to stand committed.

8^br^ 8th, 1717. Richd Waldron, Cler. Con.

The sheriff took bonds of them, accordingly.

Adjorned to 9 o'clock, to-morrow, A. M.

[P. 82.] Pro: N. Hamp^r^.

At a Genl Assembly held at Portsm°, by adjornm^t^, October 9th, 1717.

Present in Council,

His Excellency Saml Shute, Esq., Govr,

Jno. Wentworth, Geo. Jaffrey, } Esqs. Richd Wibird, Thom^s^ Westbrook, } Esqs.

Capt. Mathews and others appeared at this board to prosecute their petition,† ab^t^ having the vote of Genl Assembly constituting Oyster River a parish to be repealed.

* [From Journal of the House.]

"1717, Oct. 3. Whereas, Coll. Joseph Smith, Majr. Peter Weare & Mr. Jno. Tuck *are dismiss'd* this House,

Voted, That his Excellency be Requested to issue forth his Precept to supply ye vacancy.

Josh. Peirce, Clerk."

† [From copy of Petition found on file.]

To his Excellency Samuel Shute, Esq., Governr. and Commander-in-chief in and over his Majestyes Province of New Hampshire, and to the Honourable the Council and Representatives convened in General Assembly:

Capt. Stephen Jones & Messrs. Joseph Jones & Philip Chesley appeared also as agents for s^d Parish, to make defence ag^st s^d Petition, who put in an answer thereto, as on file.

The Petition of sundry of the Inhabitants of Oyster River in Dover, most humbly sheweth: That, Whereas sometime about a year and half agoe, a Petition was then preferred to the General Assembly then sitting at Portsmouth, by several of our neighbors in said place to be made a District of themselves,—which being wrongly represented unto said Assembly, A vote thereupon was Passed in both Houses, which being very prejuditial unto the Interest of the whole:—

Your Petitioners therefore do humbly Pray that as there was only a vote, but no Act passed, that there may be a fair hearing of the whole matter before your Excellency in Council, that in your wisdom you may see good to Reverse the same; and that a reasonable proportion of land may be alotted us from the township of Dover, for a more amicable agreement between each other in carrying on the Worship of God: And seeing we have two meeting houses, we humbly pray that in wisdom you will so determine, that the Inhabitants may go to each of them every other meeting day: And your petitioners shall ever pray.

Thomas Edgerly,
Thomas Drew,
John Pinder,
William Gloyns,
Joseph Edgerle,
Joseph Kent,
John Footman,
John Danel,
John Kent,
Samuel Edgerly,
Benjamin Pinder,
Benjamin Footman,
Robert Kent,
John Davis,
Joseph Danel,
Eleazer Bickford,
Stephen Jenkins,
Benjamin Mathes,
James Langle,
Francis Mathes, jun.,
Nathaniel Randal,
Samuel Davis,
John Williams, jun.,
Joseph Hix [Hill?],
Benjamin Body,
James Davis, junr.,
Samuel Williams,
Bartholomew Stephenson,
Timothy Davis,
Joseph Nudder,
Zacharias Edgerly,
Moses Davis, jun.,
John Rand,
Edward Graham,
Abraham Mathes,
John Bickford,
William Wormwood,
Joseph Bickford,
Thomas Footman,
Joseph Stephenson,
Joseph Footman,
Thomas Davis,
Francis Mathes,
William Hill,
Daniel Misharve,
Joseph Jenkins,
Henery Rines,
Daniel Davis,
Thomas Rains,
James Davis,
Abraham Stephenson,
John Edgerle,
Solomon Davis,
Salathiel Denbo,
William Clary,
Ichabod Follet,
William Rains,
Samuel Smith (1),
Philip Duly,
John Williams,
John Amlen [?]

(1) Some words added, illegible.

In Councill.

Order^{d}, That the matter be referred till the next sessions of the Genl Assembly, & that all p'ties be notifyed that are any ways concerned in ye affair, to attend the hearing, &c.

Rich. Waldron, Cler. Con.

Adjourned to to-morrow, 9 o'clock, A. M.

Pro: N. Hampr.

At a Genl Assembly held at Portsm^{o}, by adjornm^{t}, October 10th, 1717.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno. Wentworth,		Richd Wibird,	
Shad. Walton,		Thom^{s} Westbrook,	

Col. James Davis, Capt. Jno. Gillman and Capt. Jotham Odiorne, Esqs., brought up the following vote to this board:

Whereas, there has been a difference of some years' continuance in the town of Portsm^{o}, relating to the ministry, wch difference in some measure hath affected the whole Province; In order to reconcile the same:

[P. 83.] *Voted*, That the sallary for the reverend Mr. Rogers be raised by an Annual tax upon all the Inhabitants of the town in an equal proportion, except Greenland and Newington; except also such as shall be the hearers and subscribers to Mr. Emerson, who are hereby obliged to give in their names to ye selectmen of the town, at or before the 20th of Novemb^{r} next; and that three persons be chosen annually, being free-hold^{rs} belonging to the bank, by that part of the town, to lay s^{d} tax on the inhabitants that belong to the new meeting-house, and that three p'sons be also chosen on the south side of the mill-dam annually, by and among themselves, to tax ye subscribers to Mr. Emerson; and such taxes laid & signed by each of the three p'sons that shall be chosen, as ye maj^{r} part of them, together with a Jus^{t} Peace, shall be comitted to the constables of each part of the town, who are hereby directed and impowered to collect the same, and pay it in according to their warrants, to the said three men, for the support of the ministry; and in case of failure to be dealt wth as the law directs for not collecting other town rates, & also that the p'sent Assembly shall chuse three men for the Bank,* and three

*The ancient name of Portsmouth.

men for the south side of the mill-dam, to lay the tax for the first year, which will end the 25th March next; and all p'sons concerned are hereby oblidged to pay his or their several tax to the constable appointed to collect the same, on the penalty as in case of non-paying other rates is provided, and that all p'sons who shall hereafter settle in the town, shall wthin one month after their settlemt give in their names to ye selectmen for time being, to which part of the town they will joyn themselves.

* Octr 10, 1717. Read three times in the House of Representatives & past by a full vote.

Josh. Peirce, Cler. Assem.

Eodem Die. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 84.] Col. James Davis, Esq., and three other members of the house of Representatives brought up a vote to this Board for p'senting his Excellency the Govr wth one hundred and sixty pounds.

They also prayed in the name of the House, that his Excellency would issue out Proclamn, &c., which the Councill advised to, & thereupon his Excellency did it accordingly — a copy whereof is on file.

Adjourned to to-morrow, 10 o'clock, A. M.

Prov: N. Hampr.

At a Genl Assembly held at Portsme by adjornmt, October the 11th, 1717.

Present in Councill,

His Excellency, Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jeffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno. Wentworth,		Richd Wibird,	
Theo. Atkinson,		Thome Westbrook,	

This day the Councill concurred wth ye Representatives for p'senting the Govr wth one hundred & sixty pounds. It is as follows:

* [From the Journal of House.]

Oct. 10. "Voted, yt 3 men be chosen of ye members of this house to wait on his Excellency & represent to him ye grievance yt many of his Maj'tie's good subjects labor under, by being restrained by Jno. Bridger, Esq., his Maj'ties surveyor, from loging in ye woods in ys Province."

Voted, That his Excellency be p'sented wth one hundred and sixty pounds out of the interest of ye fifteen hundred pounds lett out to sundry Gent^{n} in the year 1714, to be paid in bills of creditt of this Province.

Read in the house three times & ordered to be sent up by four members.

Josh. Peirce, Clerk.

In Councill.

Oct. 11th, 1717.

Voted a concurrence.

Richd Waldron, Cler. Con.

Adjourned to 3 o'clock, P. M.

[P. 85.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Councill — as before.

Geo. Jaffrey, Esq., made complaint to this board that he having mony due to him from the estate of Henry Williams, deceased, made application to Richd Waldron, Esq., as Judge of Probate, who referred his account to the Commission^{rs} appointed to receive the claims due from said Estate, wch said Commission^{rs} cutt off great part of the complainant's account to his great damage. Whereupon, it was

In Councill

Resolved, That the whole account was good & ought to be allowed.

Richd Waldron, Cler. Con.

Theo. Atkinson, Esq., p'ferred a paper to this board requesting the privilege of another publick house at N. Castle, &c., wch being read was sent down to the house of Representatives by Shad. Walton and Richd Wibird, Esqs., wth a vote of Councill thereupon, wch pp. & vote was returned from the house by one of the members not concurred wth — as on file.

Col. James Davis brought up two votes to this board from the House of representatives, wch are as follows:

Voted, That Geo. Jaffry, Esq., Mr. Edward Ayres & Capt. Saml Hart, be the three men for laying the ministers tax on the bank part of the town for this year: — And Capt. John Pickerin, Mr. Wm. Cotton & Capt. Geo. Walker, be the three men for like service on south side of the mill-dam for this present year: — And that the several three men be impowered at the Expiration of this year, by themselves or the maj^{r} part, wth ye assistance of a Just

Peace, to convene the part of the town or parish to which they belong, & when mett they or the maj^{r} part of them p'sent, to choose three in their room, for the service afores^{d}, and also to add to said minister's tax what may be necessary for the repairs of the [P. 86.] meeting house to each part of the town.

Josh^{a} Peirce, Cler. Assem^{b}.

In Councill.

8^{br} 11th, 1717. Voted a concurrence.

Whereas the Selectmen of Portsm^{o} have complained to this house, that their town now lies und^{r} a p'sentment for want of schools in the town:

Voted, That the Selectmen be impowered to call & agree wth two schoolmasters for the town of Portsm^{o}, ye one for Latin, the other for reading and writing & cyphering; — and settle them as may be most beneficial for the town, at their best discretion.

Josh^{a} Peirce, Cler. Assem^{b}.

In Councill.

8^{br} 11th, 1717. Voted a concurrence.

Richd Waldron, Cler. Con.

Capt. John Gillman brought a vote to this board from the house of Representatives requesting his Excellency the Govr to ord^{r} the Capt. of the fort & keep^{r} of the King's stores to lay the true state of each before the house,— as on file.

Adjourned to to-morrow, 9 o'clock, A. M.

[P. 87.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjornm^{t}, 8^{br} 12th, 1717.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno Wentworth,		Richd Wibird,	
Tho. Atkinson,		Thom^{s} Westbrook,	

Col James Davis, Esq., & three other members of the house of Represen^{ts} brought up the two following votes to this board:

Whereas, John Bridger, Esq., his Maj^{ties} Survey^{r} General, has Ord^{rs} to hinder all p'sons in this Province from going into his Maj^{ties} woods to cut any sort of timber; — w^{ch}, for want of a fair representation to his Maj^{tie} is very hurtful and ruinous to many of his good subjects:

Voted, That his Excellency be requested to lay before his Maj^{tie} the grievance that many of his good subjects labor under by such restraint.

Josh^{a} Peirce, Cler. Assem^{b}.

Voted, That twenty pounds sterling be drawn out of the treasury of this Province, to be improved for agency to forward the above vote.

Josh^{a} Peirce, Cler. Assem^{b}.

Read three times in the House of representatives and voted unanimously, and ordered to be sent to the upper house by four memb^{rs} of this house, for concurrence.

J. P., Cler. Assem^{b}.

8^{br} 12th, 1717. In Councill.

Voted a concurrence wth both the foregoing votes.

Richd Waldron, Cler. Con.

[P. 88.] Voted, That there be one licensed house at Great Island in N. Castle, for entertainm^{t} of strangers, &c., besides w^{t} is already allowed pr. former Act.

Josh^{a} Peirce, Cler. Assem^{y}.

8^{br} 12th, 1717.

Voted a concurrence,— Richd Waldron, Cler. Con.

Mr. Sheriff Gambling made a representation of the deficiency of the Goal to this board, &c.

The Clerk was sent down to the house of Representatives by his Excellency the Govr, to require the attendance of that house at ye Councill board. They came accordingly. Then the following bills (viz.), Ab^{t} altering the time of the Court of Appeals sitting; ab^{t} shingles, & ab^{t} tarr, pitch, &c., were past into Acts, by being signed and sealed in p'sence of the whole Genl Assembly.

Then his Excellency made ye following speech:

Gent'n:—I can't enough commend the loyalty and unanimous proceedings of both houses at this juncture, when some ill-minded p'sons were endeavoring to disturb the quiet and peace of this Province, and to introduce confusions amongst us.

So soon as I shall return to Boston, I shall send home an account of your proceedings, wch I am sure will be thought praise worthy.

I have, by the advice of ye Councill and desire of the low^{r} house, issued forth a Proclamation, wch being joyned wth yor best endeavours, upon yor return to your respectiye towns, will, I hope, p'vent and break the measures of the disaffected, and also be for the information of those that were ignorant and misled and [P. 89] bring them to their duty, wch will quiet the minds of his Maj^{ties} good subjects.

Gent'n:—I return you my thanks for your p'sent, and also for your promise to make it equal to my p'decessors, at our meeting in the spring; and shall also upon the memorial you have delivered to me, use my best endeavours to get the King's Ordrs in relation to the timbr explained and made easy to the people of this Province.

The affairs of this session being so happily concluded, I do prorogue you to the second Tuesday in January next.

SAM'L SHUTE.

8br 12, 1717.

Prorogued to Tuesday the fourteenth day of Jany next.

Pro: N. Hampr.

At a Genl Assembly held at Portsmo by prorogation, January 14th, 1717-8.

Present in Councill

The Honble JOHN WENTWORTH, Esq., Lt. Govr,*

Saml Penhallow, Geo. Jaffrey, Richd Wibird, } Esqs.

Pursuant to an ordr from his Excellency the Govr to his Honr the Lt. Govr for prorogueing the Genl Assembly,

In Councill

Ordered, That the said Genl Assembly be prorogued from this day to Tuesday, the 29th day of April next ensuing, and that the Clerk issue out proclamations accordingly.

Prorogued to Tuesday, the 29th April, 1718.

[P. 90.] Pro. N. Hampr.

At an especial sessions of the Genl Assembly held at Portsmo, Feb. 21, 1717-8.

Present in Councill,

The Honorable Jno Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs.

Shad. Walton, Richd Wibird, Thoms Westbrook, } Esqs.

The Clerk was sent down to the house of Representatives to call them to this board. They came accordingly, where his Honr the Lt. Govr made the following speech:

Gent'n:—Whereas, the King has been pleased to appoint me

*See Lt. Govr. Wentworth's Commission in Records of Council, Vol. II., p. 712.

Lt. Govr of this his Maj^{ties} Province of N. Hamp^{r}, and this being the first opportunity I have had of seeing the Genl Assembly, so I gladly embrace it:

To assure you that I will to the utmost of my power support and maintain the hon^{r} of the Crown, und^{r} the most happy reign of our Sovereign Lord King George and his most illustrious family.

And I doubt not but you will all as good and loyal subjects joyn wth me herein; and as I am for supporting the prerogative of the Crown, so you shall always find me ready and willing to fall into all such just measures as may tend to the maintaining & defending our rights and properties, so far as in me lies.

There has been an unhappy difference in this town, the occasion now too long to relate, wch difference has in some measure affected ye whole Province; but thanks be unto God, they are much abated, and some good steps have been taken for an accommodation, so that if every one of us in our several stations will put a helping hand, I doubt not but in a short time we may have a good harmony both in town and Province,—the attaining of which will give glory to God and peace to ourselves.

Gent'n:—The Principal thing I shall recommend to yor consideration at this time is [P. 91.] the Province Records, a matter that concerns posterity, and on wch our properties very much depend.

The Gent^{n} in whose hands they now are, is dangerously ill, & it's thought cannot continue long;—therefore, in point of prudence, we ought to think of a proper person to receive the records wth all the books, files & papers thereunto belonging.

I would also put you in mind of those bonds wch belong to the Province that was lodged wth Col. Smith, late of Hampton, deceased, that you will take care the vote of Genl Assembly be observed therein.

JOHN WENTWORTH.

Adjorned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
Feb. 22^{d}, 1717–8.

Present in Councill,

The Honble Jno Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Waldron,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^{s} Westbrook,	

Jotham Odiorne, Esq., brought up the following vote to this board:

Voted, That Mr. Speak^{r} Packer, Mr. Eph^{a} Dennet and Josh^{a} Peirce, be a Committee from this house to demand the bonds that were formerly given by sundry gent^{n} of ye Prov: for fifteen hundred pounds bills of credit of ye Prov: formerly lent to them;—wch bonds were lodged in ye hands of Col. Joseph Smith, deceased,

& now to be demanded of his widow relict, & when received, to be lodged in the hands of the Speak^{r} of the house of Represen^{ts} for time being, till further order^{d}.

21st Feb., 1717-8. Josh^{a} Peirce, Cler. Assem^{l}.

In Councill.

Feb. 22^{d}, 1717-8. Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 92.] Capt. Jotham Odiorne, Esq., and Capt. John Gillman brought the following vote to this board:

Whereas there has been some proposals of moving the Province Records from Maj. Vaughan's, it being supposed that he, the said Maj^{r}, was rendered uncapable of officiating in s^{d} office through natural indisposition:

The House having by a committee conferred wth Maj. Vaughan, do find him capable to p'form w^{ts} needfull as formerly relating to that office; and we that are present being but ab^{t} half of the society:

Voted, That the s^{d} Records be continued wth Maj^{r}. Vaughan, till further ordered.

Josh^{a} Peirce, Cler. Assem^{b}.

In Councill.

Feb. 22^{d}, 1717-8. Voted a concurrence.

Richd Waldron, Cler. Con.

One of the memb^{rs} of the House of Representatives brought the following request to this board:—

Whereas we have been informed, that Oliver Noyes and Elisha Cook, Esq., of Boston, have had administration granted to them by the judge of Probate, &c., of this Prov: on the pretended rights and properties of Sir Charles Hobby, deceased, and the bonds given for their regular administration was not sufficient:

Whereupon, it is the desire of the whole house present, that the upper house, who is the Supreme Judge of Probate, &c., would putt a stop to any further proceeding in that affair, till the interest of the Province be a little consulted.

22^{d}, Feb. 1717-8. Josh^{a} Peirce, Cler. Assem^{b}.

The Genl Assembly stands prorogued, according to former prorogation (viz.), to ye 29th day of April, 1718.

[P. 93.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by prorogation, April 29th, 1718.

Present in Councill,

His Excellency Saml Shute, Esq., Govr, &c.,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.
Geo. Jaffry, Shad. Walton, Richd Wibird, } Esqs.

Thos Westbrook, Esq.

Richd Wibird, Esq., was sent down to the house of Representatives to require their attendance at ye Councill board. They came accordingly, where his Excellency the Govr made the following speech.

Gent^{n}:

This being the usual time for ye spring sessions, I am come to meet you and am glad to find that those coals of contention wch were kindled & blowing up amongst us are by your care in your several stations so happily extinguished. All that I have of moment to offer to you at this time is, that some speedy methods might be thought on, for ye encouragem^{t} of raising hemp and other naval stores, wch will be very acceptable to ye Court of Great Britain, & highly advantageous to this Province; as also that there may be an Impost & Excise, wch I am informed hath been your constant practice before my arrival in this governm^{t}.

Gent^{n}:

I believe this is a busy season of the year; I shall therefore, so soon as you have dispatched w^{ht} shall be necessary, dismiss you to pursue your own private affairs.

Saml Penhallow & Theo. Atkinson, Esqs., were sent down to the House of Representatives, to recommend to their consideration the making an especial ord^{r} of Genl Assembly to appoint a new Grand Jury of Inquest, to inquire into the indictment exhibited against John Kenniston, on suspision of murthering an Indian, &c.

Capt. Josh^{a} Peirce came to this board and desired in behalf of y^{e} House of representatives a Copy of the Gov$^{r's}$ speech,—wch was granted, the same being sent down to s^{d} house by the clerk.

Adjourned to tomorrow, 10 o'clock, A. M.

[P. 94.] Pro: N. Hamp^{r}. [Met according to adjornm^{t}.]

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Theo. Atkinson, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Adjourned to 8 o'clock, P. M.

Pro: N. Hamp^{r}. Met again according to adjornm^{t}.

Present in Councill,

As before—also,

Mark Hunking, George Jaffry, } Esqs.

Capt. John Downing p'ferred a Petition to this board directed to his Excellency the Govr and Councill, signed pr. ye Selectmen of Newington in behalf of that Parish, for an enlargem^{t} thereof, as on file.

In answer to wch His Excellency the Govr and Councill say, That they find in the Records of Genl Assembly, the said parish already polled off and cannot see any reason at p'sent to alter the same.

Richd Waldron, Cler. Con.

Adjourned to tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by adjournm^{t}, May 1st, 1718.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs. Geo. Jaffry, Shad. Walton, Richd Wibird, } Esqs.

George Jaffry and Richd Wibird, Esqs., were sent down to the house of representatives to make a second motion to that house ab^{t} passing an especiall Act for a new [P. 95.] Grand Jury in ye case of John Kenniston before mentioned.

Col. Mark Hunking, Esq., was sent down to the house of representatives wth a vote for appointing a new Grand Jury.

Lt. Col. James Davis, Esq., brought up ye house of Representatives' answer to the Gov^rs speech to this board, wch is as follows:

May it please your Excellency:—

It is with much pleasure that we now have an opportunity to meet yor Excellency, when those jarrs and discords wch have for some time past unhappily disturbed and clogged the affairs of this Governm^t are vanished.

We are of opinion that the raising hemp and other naval stores would highly conduce to ye interest of this Province, as well as be serviceable to ye Crown of Great Britain; but by reason of the late long and tedious warr, the people of this Prov: have been so long pent up as that yet there is not land enough opened to raise a sufficiency of corn for their support, so that at present we are not capable to p'scribe measures that may encourage it.

And as to an Act of Impost, we are of opinion that the charges of the Governm^t are more easyly defrayed by way of tax upon all persons and estates, and that its most for ye interest of all his Maj^ties good subjects of this Prov: to have a free port this year.

But we think an Act of Excise very reasonable, & desire one may be p'pared accordingly.

And as it is ye seed time of ye year, we shall to our utmost forward all busyness that this session may be short, and in order thereto desire that the Committee for auditing accounts & revising and p'paring Laws may speedily give in their reports that we may proceed on them.

Thom^s Packer, Speak^r.

Capt. Hugh Reed brought the two following votes to this board, &c.

[P. 96.] Voted, That the Excise be continued for ye year ensuing as formerly.

30th Ap^l 1718. Read three times, and ordered to be sent up for concurrence.

Josh^a Peirce, Cler. Assem^l.

In Councill.

May 1st, 1718. Voted a concurrence.

Richd Waldron, Cler. Con.

Voted, That Capt. Hugh Reed and Mr. Eph^a Dennet be a Committee from this house to joyn such as shall be chosen by the upper House to form ye Excise of ye Province for ye year ensuing.

Ap^l 30th, 1718. Read and ordered to be sent up for concurrence.

Josh^a Peirce, Cler. Assem^ly.

In Councill.

May 1st, 1718. Voted a concurrence; and that Theo. Atkinson and Richd Wibird, Esqs., be of a Comittee of ye Councill for ye service above.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.
Present in Councill
as before.

The Committee for supervising the Laws, &c., p'sented severall bills to this board, wch they had prepared in ord^{r} to pass into Acts, wch had a first reading & were sent down to the house of Representatives pr. ye clerk.

Adjorned to tomorrow, 11 o'clock, A. M.

[P. 97.] Pro. N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t} May 2^{d}, 1718.
Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.
Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

Saml Easman, Esq., p'sented a Petition to this Board directed to the Genl Assembly, signed by himself in behalf of the town of Kingston, that the s^{d} town might be granted & have a proportionable part of the fifteen thousand pounds bills of credit lately made wthin this Province.*

Joseph Clifford presented a petition to this board signed by himself in behalf of his father, John Clifford.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp. Mett again according to adjornm^{t}.
Present in Councill,
As before, except Mr. Atkinson.

The Clerk was sent down to the house of Representatives wth two petitions p'ferred this day: the one signed pr. Saml Eastman, Esq., ye other pr. Jos. Clifford.

Adjorned to tomorrow, 10 o'clock, A. M.

* [From Journal of the House.]

May 10, 1718. The Petition of ye Inhabitants of Kingstown having been read & considered in this House,

Voted, yt ye Inhabitants of Kingstown shall have five hundred pounds out of ye 1500 pounds yt is in ye hands of ye Grand Comittee for managing ye 15,000 pounds of Bank bills, provided yr be so much left, when ye charge of making, signing & emitting, &c., of sd Bills of credit be defrayed.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, May 3^{d}, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

[P. 98.] Geo. Jaffrey, Esq., was sent down to the House of representatives to require their attendance at this board, in ord^{r} to a conference ab^{t} a new Grand Jury of Inquest, &c. They came accordingly, and after ye conference was over they wthdrew & returned to their own house, & in some short time after sent up ye following vote of Councill concurred wth by s^{d} house, by Capt. Josh^{a} Peirce and Capt. Hugh Reed.

In Councill.

[Note.—This vote is not on record.]

Adjorned to Monday next, 3 o'clock, P. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, May 5th, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs. Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

Thom^{s} Westbrook, Esq.

Capt. Hugh Reed brought up Joseph Clifford's Petition to this board, as on file, wth vote thereupon, wch is as follows:

[P. 99.] In the House of Represent^{s}.

Whereas a Petition directed to the Genl Assembly, signed by Joseph Clifford in behalf of his father, John Clifford, has this day been read & considered in this house, wherein he hath requested that the said John Clifford may be enabled by an especial Act of Genl Assembly, to dispose of such part of the estate formerly granted away unto his son Jacob Clifford (in consideration that his son Jacob should maintain him during the father's life; 'for ye performance of wch considerations the said Jacob bound himself in a fifty pound bond to his said father, wch bond we find to be

very vicious, not according to law, & a bond that will not answer ye end it was designed for; the said Jacob Clifford is dead, ye consideration of ye deed or bond not fulfilled) as may support and maintain him during his life, and defray the charge that he has been at since the death or decease of his son Jacob: w^rupon it was

Voted, That the petitioner enter upon ye estate mentioned in the said petition, or mentioned in a Deed referred to in s^d petition and improve the same to ye best advantage, for the support of his father during his father's life, & so long after as till all charges arising for the support of the father since ye death of the said Jacob Clifford be discharged, as also the funeral charges paid; and then the heirs of ye said Jacob Clifford to enter thereupon.

Josh^a Peirce, Cler. Assem^ly.

3^d May, 1718.

In Council

5th May, 1718. Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 100.] Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o by adjornm^t May 6, 1718.

Present in Council,

His Excellency Saml Shute, Esq., Govr,

His Hon^r Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^s Westbrook,	

Adjorned to 3 o'clock, P. M.

Pro. N. Hamp^r. Mett again according to adjornm^t.

Present in Councill, as before,—also

Theo: Atkinson, Esq.

The clerk was sent down to the house of Representatives to require their attendance at the Councill board, at a hearing relating to a difference in the parish of Oyster River. They came accordingly, & the p'ties being p'sent, there was a full hearing of the whole affair;—after wch the p'ties w^thdrew; the house of Representatives returned to their own house, & the matter left under consideration.

Adjourned to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjorm^{t}, May 7th, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Two members of the house of Representatives brought an Explanatory vote to this board, ab^{t} ye vote of Genl Assembly, dated 8^{br} 8th, 1717, relating to ye meeting-houses at Portsmouth,* as on file.

The clerk was sent down to ye house of Represent^{s} wth an additional vote ab^{t} running town & parish bounds, &c.

Adjorn^{d} to 3 o'clock, P. M.

[P. 101.] Pro: N. Hamp^{r}. Mett according to adjornm^{t}.

Present in Councill,
as Before.

Col. Richd Waldron, Esq., as Judge of ye Court of Probate, appeared at this board and prayed the advice of his Excellency the Govr & Councill,—relating to his granting letters of Administra-

* [From Journal of the House.]

An Explanation of ye vote of ye Genl. Assembly, past in 8 Octobr., 1717, relating to ye differences in ye town of Portsmo:

Whereas, there was two Petitions p'ferred to ye Genl. Assembly, one by ye party of ye Bank parish, ye other by ye mill-dam Parish, relating to ye settlement and support of ye ministry in each Parish; Amongst other particulars then resolved on, it was Voted, yt all ye Inhabitants of Portsmo, unless those therein excepted, viz.: ye Parish of Greenland & those formerly set off to Newington, should be assessd to ye support of Mr Rogers, as formerly, by three men legally chosen at a regular Parish meeting for yt end; — Excepting, also, all those yt were disposed to support ye ministry in ye Old meeting house, who by said vote were oblidged to distinguish themselves — Capt. Pickerin being present as representative for ye mill-dam Parish — by giving in yr names to ye selectmen of ye town on or before ye 20th of Novr. of abovesd year: & whereas by misrepresentation of sd vote, sundry Inhabitants have been rated by ye chosen wardens to both Parishes, to ye great wrong of sd Inhabitants so taxed and rated,

Voted, yt it is to be understood yt all ye Inhabitants belonging to ye Parishes of ye Bank & Mill-dam, were, from that day forward to be at their liberty to joyn themselves to wch. Parish they pleased; & yt having declar'd to which ministry they would joyn, they should not be rated or tax'd by ye church-wardens of ye other Parish;—any law, usage or former custome to ye contrary notwithstanding.

Read in ye house of Representatives & ordered to be sent up to ye upper house for concurrence. Josha. Peirce, Cler. Assem'y.

tion on ye estate of Sir Charles Hobby, dec^{d}, unto the creditors of s^{d} estate. The advice of the Board is, that the matter be deferred till next week, at wch time there may be an opportunity to advise wth Messrs. Dudley and Valentine, counsellors at law, on that head.

Adjorned to Friday, 9 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, May 9th, 1718.

Present in Council,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs.
Shad. Walton, Richd Wibird, } Esqs.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Council,
as Before.

Richd Dolloff p'ferred a Petition to this board, directed to ye Genl Assembly, &c., wch was read.

Saml Easman, Esq., brought two votes to this board from ye House of represent^{s}, one agst gaming in publick houses, (1) wch was sent back to s^{d} house, pr. Col. Walton, for amendm^{t}; the other was relating to the Parish of Oyster river, wch was concurred wth, & is as follows:

[P. 102.] Whereas, the Parish of Oyster River, in Dover, have by a Petition p'ferred to the Genl Assembly prayed that the ministry wthn s^{d} Parish may be settled, so as may best accommodate the inhabitants of s^{d} Parish, (2)

[From Journal of the House.]

(1) 9th May, 1718. Voted, That yr be an Additional Act to ye Act formerly made for Inspecting & suppressing of Disorders in licend houses — & yt yr be a Comittee apointd to draw up ye Act accordingly, against card, dice & pen-playing & shufel-board. Josha. Peirce, Clk. Assemy.

(2) [The Rev. Hugh Adams commenced preaching in Oyster River about 1716, but no church was gathered until about the time of his ordination, March 26, 1718. He was graduated at Harvard College, 1697, and was dismissed from his charge, Jan. 23, 1739. He was a man of very eccentric character. He died, in 1750, at the age of 74. See further notice of him in this vol. under the year, 1739.]—Ed.

Voted, That the Minister for the time being do preach at both the old and new Parish meeting-houses alternately in s^{d} Parish, excepting the three winter months, wch shall be left to the choice of s^{d} minister.

Read in the house of Representatives three times, and ordered to be sent up for concurrence.

Josh^{a} Peirce, Cler. Assem^{l}.

In Councill.

May 9th, 1718. Voted, concurrence.

Richd Waldron, Cler. Con.

Richd Dolloff's petition was sent down to the house of representatives pr. the clerk.

Capt. John Gillman brought up Richd Dolloff's petition to this board from the house of Representatives, wth a vote thereupon, wch vote is as follows:

Voted, That ten pounds be paid out of the publick treasury of this Province to Mr. Jacob Windal of Boston, on ye account of the petitioner, (1) and that Rec^{t} be taken therefor.

Read in the house of Representatives and ordered to be sent up for concurrence.

Josh^{a} Peirce, Cler. Assem^{y}.

In Councill.

May 9th, 1718.

Voted, a concurrence.

Richd Waldron, Cler. Con.

[P. 103.] James Davis, John Gillman and Saml Easman, Esqs., came to this board from the house of Representatives, and declared that they were present in s^{d} house when the vote of Genl Assembly ab^{t} ye difference at Portsm^{o}, dated Octr 10, 1717, was past in that house, & that Capt. Pickerin, being sent for, was p'sent in said house & heard said vote read; wch he said was right, and consented to before the same was past.

Adjorn^{d} to to-morrow, 10 o'clock, A. M.

[From Journal of the House.]

(1) Richd. Dolliffe having Petition'd ye Genl. Assembly for reliefe, being much reduced by journeying to Canada, &c., for his captive children.

Vated, &c., (as above.)

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{e},
May 10th, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^{s} Westbrook,	

Thomas Westbrook, Esq., was sent down to the house of Representatives to enquire whether they had any matters to lay before this board.

James Davis, Esq., brought up the representatives' vote ab^{t} gaming, wch was sent down for amendm^{t}, wthout any alteration (1).

Adjorn^{d} to Monday, 12th inst., 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{e}
by adjornm^{t}, May 12, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Theo. Atkinson,		Richd Wibird,	

Thom^{s} Westbrook, Esq.

[P. 104.] Maj. Peter Wear, Esq., & Messrs. Tillton & Wait p'ferred a Petition to this board directed to his Excellency the Govr and Council, wch being read & considered, the following vote was past thereupon:

In Councill, 12th May, 1718.

The Petition of Peter Wear, Esq., of the New Parish of Hampton, and several other of the Inhabitants of the said Parish, praying they might be separate from ye old parish at their general town meeting, and that they might be empowered to call a meeting amongst themselves for chusing town officers, &c., being read & considered:

[From Journal of the House.]

(1) May 10th, 1718.

Voted, Yt any member of this House yt shall neglect to wear his sword, or be found w'thout it, during ye sessions of Genl. Assembly, from this day, shall pay a fine of five shils. to clark, for ye use of ye house.

It is allowed that the s^{d} new Parish at Hampton have liberty to call a publick Parish meeting annually, to choose select men, and such officers as may be convenient, to manage their parish affairs, and to choose one representative to send to the Genl Assembly as they shall have a lawfull p'cept for so doing; but as to their common land, maintaining their minister, & paying their proportion to the Prov: taxes, they remain as they were formerly.

Richd. Waldron, Cler. Con.

Adjourned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjourn^{t}.

Present in Councill,

As Before.

Capt. Hugh Read and Mr. Jno Dam brought the two following votes to this board.

Voted, That Lt. Colonel James Davis be added to the Grand Committee for managing [P. 105.] ye fifteen thousand pounds raised in October, 1717, in ye room of Lt. Col. Joseph Smith, of Hampton, Dec^{d}.

Josh. Peirce, Cler. Assem^{b}.

May 12, 1718. In Councill.

Voted, a concurrence.

Richd. Waldron, Cler. Con.

In Councill.

Whereas there was a vote of Genl Assembly in Decem^{r}, 1715, ordering that all the town and parish bounds within this Province should be seen & established, and appointing a Committee for that service, oblidging them to make return of their doings therein unto his Hon^{r} the Lt. Govr; & further, y^{t} ye s^{d} Comittee be sworn before a Just. Peace, to ye faithfull discharge of their office; and further, y^{t} ye bounds between Portsm^{o} and Hampton be first run, and so round in course.

May 7, 1718. Richd. Waldron.

In the House of Representatives.

Read and concurred wth.

Josha. Peirce, Cler. Assem^{y}.

Also Voted, That Wm. Moor be added to the above Committee, & that the s^{d} committee do meet at any time & place according to a warr^{t} or ord^{r} of the Lt. Govr und^{r} his hand, upon ye forfeiture

of 20s pr day for every day any p'son shall neglect or refuse to appear, unless lawful cause be shown for his absence.

Read in ye house of Representatives and orderd to be sent up for concurrence.

Joshs Peirce, Cler. Assemy.

May 12, 1718. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 106.] Capt Saml Tebbets & Capt. Jno. Gillman brought up ye three following votes to this board.

Voted, That the Acts wch are past this p'sent sessions be printed forthwith(1).

Joshs Pierce, Cler. Assemy.

May 13, 1718. In Councill.

Voted, a Concurrence.

Richd Waldron, Cler. Con.

Voted, that the Indians that are coming on this special occasion of Kenniston's tryal, be allowed sixteen pence pr. man pr. day, during the time of the p'sent court, not exceeding the number of twenty, and for the future not to allow any Indian any thing as a p'sent or towards their maintenance out of the publick stock or treasury wthout ye advice of the Genl Assembly.

Joshs Peirce, Clerk Assemy.

May 12, 1718. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

Whereas the town of Kingston in this Prov: at this sessions of Genl Assembly, have had the sum of five hundd pounds voted them out of the fifteen hundd pounds lodged in the hands of the Grand Committee, being part of the fifteen thousand pounds raised in 8br, 1717,

Voted, That Kingston have five hundd pounds out of the fifteen hundd pounds abovesd, they paying the sum of three per cent. p' annum, and he principal also at ye time agreed on wth the Grand Committee, and to give land security, the interest to begin upon Recd of ye mony.

Joshs Peirce, Cler. Assemy.

May 12, 1718. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

(1) In the oldest copy of "Acts and Laws of the Province of New Hampshire," referred, to p. 631, as printed in 1716, are also the "Acts and Laws passed by the General Court or Assembly of the Province of New Hampshire in New England: Begun and Held at Portsmouth the 13th Day of May, 1718."

[P. 107.] Capt. Hugh Read and Mr. Eph^{a} Dennet brought up a vote to this board relating to fishermen, &c.

Shad. Walton & Richd Wibird, Esqs., were sent down to the house of representatives wth a vote for building a state house, &c.

One of the members of ye House of representatives brought ye following vote to ye board:

A vote for deferring the paym^{t} of one half of the two thousand pounds wch should have been raised this year, unto the year one thousand seven hundred twenty & three.

Read and ordered to be sent up for concurrence.

Josh^{a} Peirce, Cler. Assem^{y}.

May 12, 1718. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

Adjourned to tomorrow, 8 o'clock A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjournm^{t} May 13, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Theo: Atkinson,		Richd Wibird,	

Thos Westbrook, Esq.

Col. James Davis and three other members of ye House of representatives brought ye following votes to this board.

Voted, That his Excellency Col. Shute be p'sented wth one hund^{d} & forty pounds, and that he be paid ye same out of the treasury.

Josh^{a} Peirce, Cler. Assem.

13 May, 1718. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 108.] Voted, That Lt^{r} Govr Wentworth have five shilling a day added to the five shillings formerly allowed, during the sessions of Genl Assembly,

Josh^{a} Peirce, Cler. Assem^{y}.

May 13, 1718. In Councill.

Voted, a concurrence.

Richd Waldron, Cler. Con.

Voted, That Col. Thom^s Packer, Col. James Davis & Capt. Hugh Read, be a Committee of this House, to joyn such as shall be chosen by the upper house, to see the thousand pounds burnt wch is now ordered by the Genl Assembly.

Josh^a Peirce, Cler Assem^y.

May 13, 1718. In Councill.

Voted, a concurrence, & further voted that Mark Hunking, Geo. Jaffrey and Richd Wibird, Esqs., be of a Committee for that service.

Richd Waldron, Cler. Con.

In the House of Representatives.

Voted, That there be an Act drawn up for ye shipping and regulation of fishermen, & that there be a Committee appointed to draw up the Act accordingly.

Read & ordered to be sent up for concurrence 12 May, 1718.

Josh^a Pierce, Cler. Assem^y.

Voted, That Jotham Odiorne, Esq., & Capt. Hugh Read, be a Committee from this house to joyn ye Committee of the Upper house, to draw up s^d Act.

Josh^a Peirce, Cler. Assem^y.

May 13, 1718. In Councill.

Voted, a concurrence to both ye above votes, & that Theo. Atkinson & Shad. Walton, Esqs., be of ye Committee from this board for drawing up the s^d Act.

Richd Waldron, Cler. Con.

Adjourned to 3 o'clock, P. M.

[P. 109.] Pro. N. Hamp^r.

Mett according to adjournm^t.

Present as Before.

Voted, That the fort boats and hands attend ye members of Councill and Genl Assem^y for carrying them up & down during the sessions of Genl Assem^y.

Josh^a Peirce, Cler. Assem.

In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

Adjourned to tomorrow, (1), 10 o'clock A. M.

(1) "Mem: It being ye time of ye sitting of ye Superiour Court, ye House adjourned from ye Court House to ye great room in Mr. Speakr. Packer's house."—Journ. of the House.

Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o},
by adjornm^{t}, May 14, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo: Atkinson, } Esqs.
Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.
Thom^{s} Westbrook, Esq.

Several members of the house of Representatives brought the following vote to this Board:

Having examined the treasurer's Accounts in the year 1716 & 1717,

Voted, That his Excellency ye Govr and Councill be desired to allow the same; and that the several sums hereafter mentioned be also allowed and ord^{r} given for ye paym^{t} thereof, except onely Col. Vaughan's demand on account of the fort, untill he gives a satisfactory account of the expense of powd^{r}; and that the other sums wch ye treasurer has laid before us in his memorial be accounted for in the sessions of ye Assem^{y} in October next, and that the sum of nine hundred pounds Province bills be forthwth burnt in view of ye Genl Assem^{y}.

Josh^{a} Peirce, Cler. Assem.

[P. 110.] Two years sallary to the fort, ...	£263: 0: 0	
His Excellency the Govr . .	140: 0: 0	
The 5 p'cent abated to ye several Const^{a} on ye 2500 pounds .	125: 0: 0	
21 days entertainm^{t} of his Excell^{y},	31: 0: 0	
Y^{e} Councill sitting 14 days in Genl Assem.	24: 10: 0	
		£584: 10: 0
Y^{e} Lt. Govr ditto, 14 days at 10s per diem, ...	7: 0: 0	
Cash lodged at Boston for Exch^{e} of our defective bills, . .	100: 0: 0	
Francis Winckly	2: 12: 6	
Thomas Phipps, Esq., ...	12: 0: 0	
James Jaffrey, ...	1: 11: 6	
John Wentworth, Esq., . .	46: 18: 9	
		£170: 2: 9
Saml Penhallow, Esq., . . .	7: 15: 0	
Richd Dolloff, ...	10: 0: 0	
Jotham Odiorne, Esq., . . .	9: 13: 5	

Mr. Wm. Fellows, ...	28: 12: 6	
Maj^{r} Wear, ...	10: 0: 0	
Capt. Josh^{a} Wingate . . .	26: 7: 0	
		£92: 7: 11
Benj^{a} Gambling, Esq., . . .	14: 0: 0	
Mr. Cler. Waldron, . . .	140: 0: 0	
Benj. Milton, ...	1: 0: 0	
Col. Thomas Packer, Esq., . .	89: 8: 4	
John Partridge, for his house and attendance of ye sick for ye Doct^{r}, &c., ...	16: 12: 6	
		£261: 0: 10
		£1107: 11: 6
Voted, that ye last article of to be deducted, being disallowed by ye house		£16: 12: 6
		£1090: 19: 0

13 May, 1718. Josh^{a} Peirce, Cler. Assem^{b}.

In Councill.

May 14, 1718. Voted a concurrence.

Richd Waldron, Cler. Coun.

The following bills being prepared by ye Committee for Supervising the Laws, and laid before the Genl Assembly in ord^{r} to be past into Acts, and the same being read in each house, were past accordingly, viz.:

An Act of priviledge to the members of Genl Assem'y.

An Act to prevent charges arising upon this Province for prisoners committed for theft.

An Act against Hawkers, pedlers & petty chapmen.

An Act for prevention of common nuisances arising by slaughter-houses, Still-houses, &c., & curriers.

An Act for High ways & repairing thereof.

An Act about powder money.

[P. 111.] An Act to prevent trespasses in cutting down trees upon land without fence.

An Act for passing sheriffs' accounts.

An Act for the better regulation of swine going at large.

An Act relating to strays & lost goods.

An Act relating to sureties upon mean process.

An Act to ease people that are scrupulous in swearing.

An Act for the better regulating town & proprietary meetings.

An Act for the regulating mills.

An Act for suppressing and punishing rogues, vagabonds, common beggars, & other lewd, idle & disorderly p'sons, & also for setting ye poor to work.

An Act for providing pounds & to p'vent rescues & pound-breach.

An Act for ye establishing forms of oaths.
An Act for regulating fees.
An Act for suppressing robbers & assaults.
An Act for making lands & tenements lyable to ye paym^t of debts.
An Act for regulating the militia.
An Act for repealing the Act ab^t bankrupts.
An Act for the payment of cure of souldiers that are wounded.
An Act to prevent the concealing Estates from Assessors.
An Act for restraining inhuman severities.
An Act for regulating Ferries.
An Act for the equal distribution of insolvent estates.
An Act for the settlem^t & distribution of ye estates of Intestates.
An Act to prevent causeless arrests.
An Act relating to appeals from judgm^t in barr or abatm^t.
An Act for the better securing the paym^t of prison charges.
An Act for regulating the fishery.
An Act for encouraging ye killing wolves.
An Act to enable towns, villages & proprietors in common and undivided lands to sue and be sued.
An Act for prescribing forms of writts in civil cases.
An Act for regulating cattle, cornfields & fences.
An Act directing ye admission of Town Inhabitants.
An Act against murther, &c.
An Act to enable creditors to receive their just debts out of the effects of their absent or absconding Debtors.
An Act for regulating weights & measures.
An Act relating to the office & duty of a Coroner.

[P. 112.] The Clerk was sent down to the House of representatives to require their attendance at ye Councill board. They came accordingly; — to whom his Excellency made ye following speech:

Gen^t. Tho' this session has been longer than usual, by it there has been a great many material affairs finished, which will tend very much to the good of this Province. I hope our future meetings will not take up so much of your time, which I know is not agreeable to your country affairs.

I return you thanks for making good what you promised last session, as also for the present you have now made, and hope, when you have returned home, you will use your utmost endeavors to promote peace & good neighborhood in yor respective towns.

Gent., I think fitt to prorogue you to ye first of Aug^st next; & accordingly the Genl Assembly was

Prorogued to the first day of Aug^st, 1718.

Pro: N. Hamp^{r}.

At a Genl Assembly, held by proraga^{n}, Augt 1, 1718.
Present in Councill,
The Honble John Wentworth, Esq., Lt. Govr,
And a Quorum of ye Councill.
Prorogued to ye 7 day of October, 1718.

Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o}, by prorogation, October the 7 day, 1717.
Present in Councill,
His Excellency Saml Shute, Esq., Govr,
Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

A precept being sent by his Excellency unto ye new Parish of Hampton, for convening together & making choice of a suitable p'son to sett in Genl Assem^{y} at this session, they accordingly mett and made return of Peter Wear, Esq., who being approved of by ye lower house, was sworn after the usual manner; Geo. Jeffrey [P. 113] & Richd Wibird, Esqs., being sent down by his Excellency, wth Saml Penhallow, Esq., to administer said oaths.

After that his Excellency was pleased to ord^{r} the lower house to come up; who accordingly came: unto whom he made ye following speech.

Gen^{t}.—There was so much business done the last sessions y^{t} I do not know of much that will be necessary to be done at this meeting.

All that I have to recommend to you is what my master the King commands me, which is—That the Castle being very much decayed in its works & fortifycations, should be repaired, & that the Goal be made so strong as to p'vent escapes for ye future, and that a place of execution may be appointed, & a gallows erected: for Justice with her scales, without her sword, will make but a mean figure in the world.

I am also to inform you that the Province of the Massachusetts has, according to the instructions given me by ye King, granted their Lt. Govr some allowance to defray the charge which necessarily attends that station; & I question not but you will follow their laudable example.

I hope that detachment which I sent under ye command of Capt. Moody has at p'sent broke the vile designs of the Indians; but am sorry to hear that the greatest part of New Hamp^{r} men have so shamefully betrayed the trust their country reposed in them by desertion. I have ordered them to be taken up that so they may be brought to condign punishment, which I hope will prevent it for the future. I have used my best endeavour to serve

this Province by getting ye duty of y^r lumber to be taken off, & am pleased I can acquaint you that I am not without hopes of having it done in a short time.

Gen^t—I have nothing further to recommend to you but dispatch in the affairs before you.

Adjourned to the 8th instant, 10 o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assem. held at Portsm^o by adjornm^t, Oct. 8th, 1718.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Theo. Atkinson,		Richd Wibird,	

[P. 114.] Mr. John Buss* of Oyster River p'ferred a Petition humbly desireing his Excellency, ye Councill & Representatives to order a competent maintenance for him during life; wch was sent down to the low^r house by Richd Wibird, Esq.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^r. Mett again according to adjornm^t.

Present in Councill as before.

Capt. John Gillman brought Mr. Buss's Petition to this board, wth a vote thereupon, wch was concurred wth in Councill. The Petition is on file,† & ye vote as follows:

The Petition of John Buss of Oyster River being read, wherein he setts forth his necessitous circumstances:

Voted, That the Selectmen of Dover be advised to do their duty & take care of the s^d John Buss, & supply him wth what he is in necessity of, according to ye law of this Province; and that the Selectmen of Dover pay him twenty pounds out of the town stock to be paid quarterly from year to year.

Josh^a Peirce, Cler. Assem^l.

Oct. 8, 1718.

Eodem die. Voted a concurrence.

Richd Waldron, Cler. Con.

Adjorned to ye 9th instant, 10 o'clock, A. M.

* As early as 1651, a parish was formed at Oyster River, and among other persons employed to preach was JOHN BUSS, a physician, who was many years a preacher, but dever settled in the ministry. Here he preached and practiced physic a number of years. See note p. 614.

† The petition not now to be found.—ED.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, Oct. 9th, 1718.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq. Lt. Govr,
Saml Penhallow, } Esqs.
Richd Wibird, }

Lt. Col. James Davis & Capt. Jno. Gillman came to this board & prayed that the House of representatives might have a conference wth ye Councill: It was answered as soon as there was a Quorum they should be notifyed to give y^{r} attendance, according to their desire.

Adjorned to 3 o'clock, P. M.

[P. 115.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Councill
as Before.

Also Mark Hunking, }
Theo. Atkinson, } Esqs.
Shad. Walton, }

The House of representatives were notifyed that there was a Quorum of the Councill, and that now they might give their attendance at the Councill board, upon a conference, according to their desire in the morning. They came accordingly, & the matter in conferrence was, The charges brought in agst the Pro: & laid before that house relating to Kenniston & Fox, imprisoned on suspicion of murther. The conferrence being ended, ye representatives withdrew to their own house.

Mr. Saml Jordan preferred an account to this board, of his Expences in being sent eastward to speak wth the Indians, wch account being read was sent down to the House of representatives pr. Saml Penhallow, Esq.; wch was returned wthout any vote thereabout, and given the Lieut. Govr, &c.

Jotham Odiorne, Esq., brought up ye following votes to ye board.

Voted, That Mr. Speaker Packer, John Gillman, Esq., Jotham Odiorne, Esq., & Capt. Hugh Reed be a committee of this house to joyn such as may be chosen of the upper house, to appoint a proper place for execution of criminals, & to order a gallows to be erected for that end.

Josh^{a} Peirce, Cler. Assem^{ly}.

In Councill.

Voted A concurrence: & that his Hon^{r} the Lt. Govr, Col. Atkinson, Col. Walton and Capt. Wibird, Esqs, be of ye Committee for that service.

Richd Waldron, Cler. Con.

Oct. 9, 1718.

The Committee's return ab^{t} ye Gallows is as follows: By virtue of the within vote, we the subscribers, think the proper place for punishing criminal offenders to be at the late usual place near ye present goal; & that for a gallows, it be in the old town train-field of Portsmouth, between Messrs. Wm. Cotton & Edward Cate, their houses.

Tho' Packer,	Theod^{e} Atkinson,
Hugh Reed,	Shad. Walton,
Jotham Odiorne,	Richd Wibird.

[P. 116.] Capt. Eliphalet Coffin & Mr. Tristram Coffin preferred a petition to this board for cutting of an Intail, &c., wch was read.

Col. Atkinson p'ferred a petition to this board signed by himself, Col. Walton, Capt. Odiorne & Capt. Reed, in behalf of the town of N. Castle, concerning a gore of land lying between Hampton and New Castle; wch petition being read was sent down to the House of representatives, who upon reading s^{d} petition in s^{d} house, voted ye grant of said petition; which, being sent to the Councill, was there non-concurred wth the s^{d} petition & vote on file.

Mr. Hezekiah Jennins p'ferred a petition to this board, signed by himself and others, for a confirmation of their land lying upon the line between Portsmouth and Hampton, which was read & sent down to the house of representatives pr. the clerk; & ye hearing suspended till ye next Spring sessions.

William Duly and John Davis being apprehended for desertion, by virtue of his Excellency the Gov^{rs} wart^{t} & brought to the Councill board, it was there,

Ordered, That the s^{d} Wm. Duly be publickly whipt fifteen stripes, to be well laid on his naked back, to morrow at 10 o'clock forenoon, & that Jno Davis pay 20s. as a fine to the King, & each pay his costs & stand committed till sentence be complyed with.

Richd Waldron, Cler. Con.

Adjorned to ye 10th Instant, 3 o'clock P. M.

Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o} by adjornm^{t}, Oct. 10th, 1718.

Present in Council,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs. Geo. Jaffry, Shad. Walton, Richd Wibird, } Esqs.

Maj. Gillman and Capt. Peirce brought up the house of representatives' Answer to his Excellency the Gov^{rs} speech, as follows:

May it please your Excellency:—

We are of opinion that 'tis highly necessary that the Fort at N. Castle be repaired, & have chose a Committee for that end; as also, that all due care be taken by the same Committee, to repair the Goal, & that a place of Execution be appointed & gallows erected.

[P. 117.] And our regards to the Lieut. Govr are such that we would willingly demonstrate them by a generous present; but ye publick charges are so great, that we have no other view but ye excise of this province till next May, provided ye hon^{ble} ye Councill may be p'vailed wth to come into it.

We thankfully acknowledge yor Excellency's early care to prevent any vile design of the Indians, by sending out Capt. Moody wth a scout to cover the frontiers. But inasmuch as yor Excellency was pleased to ord^{r} one-third part of s^{d} scouts out of this Province, we humbly pray that this may be no precident for the future; this Province being but about ye twelfth part in capacity with the Massachusetts.

We rejoice in yor Excellency's favour relating to the duty of our lumber being taken off, & humbly pray, that yor Excellency will please to continue the same to us. And as to the p'sent business of this sessions, we shall use all possible dispatch to shorten it.

Oct. 10, 1718. Tho. Packer, Speaker.

Eodem die. In Council.

Voted A concurrence wth ye second paragraph of the foregoing Answer to the Gov^{rs} speech (viz.), That the Lt. Govr have the excise till next May.

Richd Waldron, Cler. Con.

Maj. Gillman and Capt. Peirce brought ye following account & vote to this board:

An account of what was allowed of the several charges arising in the Province by John Kenniston & John Fox, &c.

Mr. Treasurer's account brought in & filed . .	£42: 9: 9
The Und^{r} Sheriff's acc^{t}, £43: 7s., of wch is allowed .	14: 15: 0
James Jeffrey, for writing for the Assem^{l}, as per his acct. on file, 7 days allowed	1: 5: 0
Mr. Treasurer's Acc^{t}, for repairs of ye prison, &c. .	27: 11: 9

Voted, That the above accounts be paid out of the Treasury, & that his Excellency be desired to give order for the same.

Josh^a Peirce, Cler. Assem.

In Councill.

Oct. 10, 1718. Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 118.] The Committee appointed to view the Fort and prison, &c., made their return to this board, wch being read & past, was sent down to the House of representatives for concurrence, pr. the clerk.

Adjorned to the 11th Instant, 9 o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assem^y held at Portsm^o by adjorm^t, 8^br 11th, 1718.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^r Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.

Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

In Councill.

Ordered, That the clerk of the Councill send notifications to Dover & Exeter, to be published on the meeting house doors, That any person that has any objection to make ag^st cutting off the intail on ye land of Peter Coffin, Esq., dec^d, (1) made to his grandsons, Eliphalet & Tristram Coffin, their heirs, &c., may appear at ye next spring sessions of Genl Assem. & object acordingly.

The Clerk was sent down to the House of representatives wth a vote for a Committee to regulate the Excise.

Col. Mark Hunking, Esq., p'ferred a petition to this board, signed by sundry Inhabitants of Portsm^o & New Castle, ag^st a bridge between the Great Island & the Main land, as on file. It is ordered the hearing be suspended till the Spring Sessions.

Maj. Peter Wear, Esq., brought up ye two following votes to this board:

(1) See Biog. Notice of Peter Coffin, Esq., in Coll. N. H. Hist., vol. viii., pp. 377-380. He was the eldest son of Tristram Coffin, of Salisbury and Haverhill, and last of Nantucket. Peter was born in Devonshire, Eng., 1630, first settled in Dover, afterward in Exeter; for many years was one of the Councill; at different times held office, as Justice of the Peace, Justice of the Superiour Court, and in 1697 was Chief Justice. He was a man of integrity, sound judgment, of wealth, and of great influence in the Province. He died in Exeter, March 21st, 1715, aged 85.

In Councill.

Voted, That Col. Shad. Walton, & Richd Wibird, Esq., be of a Committee from this board, to joyn wth two that may be chosen in the house of representatives, to see to ye regulation of ye Excise.

8^{br} 11th, 1718. Richd Waldron, Cler. Con.

Read in ye house of Representatives & concurred.

Josh^{a} Peirce, Cler. Assem.

Voted, That Hugh Reed & Lt. Eph^{a} Dennet be a Committee from this House to joyn ye Committee of the upper house for the ends abovesaid.

8^{br} 11, 1718. Josh^{a} Peirce, Cler. Assem.

[P. 119.] Voted, That an Act be past, that whoever shall raise sheep more or less for seven years next ensuing wthin this Province, shall be exempted paying any rate or tax for them, & that a bill be prepared accordingly.

Josh^{a} Peirce, Cler. Assem.

Oct. 11, 1718. In Councill.

Voted, a concurrence.

Richd Waldron, Cler. Con.

In Councill.

Ordered, That the Treasurer be paid out of the treasury, sixteen pounds ten shillings, for his disbursements upon the people lately brought into this Province distempered wth ye small pox, & that the treasurer lay his account before the selectmen of Portsm^{o}, who are hereby directed to prosecute the said p'sons for nine pounds, 10s., it being due to the Doct^{r}, & again paid into ye treasury.

Richd Waldron, Cler. Con.

Two members of the House of representatives brought ye following vote to this board:

In Councill.

Voted, that the Gallows be erected in the place mentioned by the Committee appointed for determining ye same, as pr. their return, p. 115.

Richd Waldron, Cler. Con.

8^{br} 11, 1718. Read and concurred in the house of Represen^{s}.

Josh^{a} Peirce, Cler. Assem.

Jotham Odiorne, Esq., brought ye following return ab^{t} the Goal & prison from ye house of represent^{s} to this board, as also the votes thereupon.

10 Oct^{r}, 1718.

By virtue of the within vote we have viewed his Majtie's Fort

at N. Castle, & find it much out of repair; and that the Goal at Portsmouth is very insufficient for keeping his Majestie's prisoners: The reparations whereof we humbly leave to yor directions.

Thom^{s} Packer, Theo. Atkinson,
Hugh Reed, Shad. Walton,
Jotham Odiorne, Richd Wibird.

[P. 120.] In Councill.

Pursuant to the return of the Committee appointed to view ye Fort and prison,

Voted, That the said Fort and prison be forthwth repaired, & that the s^{d} Committee see to the effecting thereof.

Oct. 11, 1718. Richd Waldron, Cler. Con.

Read in the House of represen^{s} & voted in concurrence; & that the Fort be repaired as early as may be in the spring.

Josh^{a} Pierce, Cler. Assem.

Oct. 11, 1718.

James Davis, Esq., and one member more of the House of representatives, brought a vote from ye lower house to this board, for p'senting his Excellency wth ninety pounds, &c., wch was sent down for amendment, pr. Saml Penhallow, Esq.

Adjourned to 3 o'clock, P. M.

Pro: N. Hamp^{r}.

Mett according to adjournment.

Present in Councill
As Before.

Capt. Jon^{a} Wadleigh & his wife p'sented a petition to this board for the rehearing an action between them & Geo. Jaffrey, Esq., &c., as on file.

Adjourned to Monday, ye 13 Inst., 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o}
by adjourm^{t} Oct. 13, 1718.

Present in Councill,
His Excellency Samuel Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.
Geo. Jaffrey, Shad. Walton, Richd Wibird, } Esqs.

[P. 121.] Saml Penhallow, Mark Hunking, Geo. Jaffrey & Richd Wibird, Esqs., entered their desents agst repairing the

prison, according to the vote of Genl Assem^{y} past 8^{br} 11, 1718, p. 120.

Richd Waldron, Cler. Con.

John Bridger, Esq., his Majestie's surveyor general of the woods, presented a copy of a paragraph out of his Instructions, to this board, relating to the running town bounds, &c.; wch being read, the Councill

Voted, That the same should be complyed with; but that any further proceeding thereon should be suspended till next Genl Sessions, & then 'twas sent down to the house of representatives.

Jotham Odiorne, Esq., and Capt. Hugh Reed, brought up ye vote to this board for p'senting his Excellency the Govr wth ninety pounds (wch was sent down for amendm^{t}) without any alteration. Also, a vote for allowing the Town Committees two pr cent. for letting out their proportions of ye fifteen thousand pounds, &c., wch last vote was immediately sent back wthout any vote thereupon.

The Councill concurred wth the representatives vote for p'senting ye Govr ninety pounds, wch is as follows:

Voted, That his Excellency be presented wth ninety pounds out of the Treasury.

Josh^{a} Peirce, Cler. Assem^{y}.

Oct. 11, 1718.

In Councill.

Voted, a concurrence.

Richd Waldron, Cler. Con.

8br 13, 1718.

Several bills being proposed to pass into Acts, his Excellency was pleased to order the suspending thereof till ye next Genl Sessions, except that ab^{t} Deserters, which was past accordingly.

Mr. Clem. Hughes p'ferred a petition to this Board signed by himself & Capt. Spencer, for an abatem^{t} of powd^{r} money, for that the s^{d} Spencer's ship had paid ye full of her s^{d} powd^{r} money at Boston: Whereupon it was

In Councill.

Ordered, That the s^{d} Capt. Spencer pay no more than one half the powd^{r} money due from his ship, for this present voyage, & that the receiver of s^{d} money or powd^{r} abate ye same accordingly.

Richd Waldron, Cler. Con.

The House of Representatives being sent for & come to this board, his Excellency was pleased to prorouge them to ye 30th X^{ber}, 1818, and accordingly ye Genl Assemb. was

Prorogued to the 30th Decem^{r}, 1718.

[P. 122.] Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o}
by prorogation, Decem^{r} 30th, 1718.

Present in Council (1),

The Honble John Wentworth, Esq., Lt. Govr,

Saml Penhallow, } Esq. Geo. Jaffrey, } Esqs.
Mark Hunking, } Richd Wibird, }

Adjourned to 3 o'clock P. M.

Pro: N. Hamp^{r}.

Mett again according to adjournment.

Present, as before,

also, Shad. Walton, Esq.

The clerk was sent down to the House of representatives to call them to this board: they came accordingly, where his Hon^{r} the Lieut. Govr ordered to be read to them a letter from Mr. Secretary Willard, &c.

The Committee appointed for setting town and parish bounds, &c., having made their return & given in a journal of the proceedings of his Hon^{r} the Lt Govr, the same was by him laid before the Councill, wch was read, accepted & voted to be confirmed, & sent down pr. Richd Wibird, Esq., for concurrence.

James Scolly p'ferred an account to this board Am^{o} to £16:16:7, for guarding Kenniston & Fox to Piscataqua, &c.; wch being read & considered, the Councill voted twelve pounds to be p^{d} s^{d} Scolly in full, &c.; wch vote was sent down to the Low^{r} House for concurrence pr. the Clerk.

Adjourned to the 31st Instant, 10 o'clock A. M.

(1) 1718, Dec. 30.
The House mett according to Prorogation.
Present, Mr. Speaker Packer.

Odiorne,	Gillman,
Gillman,	Pierce,
Denet,	Dam,
Reed,	Wigin,
	Ware.

Journ. of House.

Pro: N. Hamp^{r}.

At a Genl Assem^{y} held at Portsm^{o}
by adjournment December 31st, 1718.

Present in Council,

The Honble John Wentworth, Esq., Lt. Govr,

Saml Penhallow, } Esqs. Geo. Jaffry, } Esqs.
Mark Hunking, } Shad. Walton, }

Richd Wibird, Esq.

[P. 123.] Mark Hunking, Esq., p'ferred a petition to this board signed by himself, for himself and in behalf of the others of the Committee appointed for running ye lines & setting ye town bounds, &c., (viz.) to have 3*s* added to ye 7*s* formerly allowed, as in s^{d} petition on file; wch being read was voted to be allowed & sent down for concurrence; the same being read in the low^{r} house, was there concurred wth & sent to this board, & is as follows:

In Council.

Voted, That three shillings be added to the seven formerly allowed, to make the stipend or wages of each Committee man for settling town bounds, &c., ten shillings pr. diem.

Richd Waldron, Cler Con.

Dec. 31, 1718.

Read twice in the House of represent^{s} & concurred wth.

Josh^{a} Peirce, Cler. Assem.

Dec. 31, 1718.

Maj. Gillman and Capt. Peirce came up from the lower house and desired a conference wth this board ab^{t} the committee's return for running of the town and parish bounds, which being granted, they accordingly came up, &c.

Jotham Odiorne, Esq., brought James Scolley's account to this board, wth the vote of the Councill for allowing s^{d} Scolley £12: in full, not concurred wth, as on file. Also the Committee & represen^{s} for letting out the £15,000 raised in October, 1717, for defraying the necessary charge in letting out the same; wch is suspended for further consideration.

Capt. Phipps p'ferred a petition to this board in relation to ye sum of £328 damages obtained agst him by Nicholas Mead's escape out of Goal; wch being read was sent down to the house of represent^{s}.

Adjourned to 3 o'clock P. M.

Pro: N. Hamp^{r}. Mett according to adjornm^{t}.

Present in Councill,

as Before.

Saml Chapman p'ferred a petition to this board signed by ab^{t} forty four of the Inhabitants of the north part of Hampton, in relation to a new meeting house, &c., as on file.

Ordered, That the votes past at ye old meeting house for the building of a new one be complyed wth; & that every p'son do pay accordingly; and if in case the petitioners & old parish do not accommodate the matter in controversy by refunding ye sum assessed when they shall build a new meeting house, [P. 124.] that the Govr and Councill at their next session will determine that part of their petition, in paying to a new one.

The Committee's return ab^{t} running ye town & parish bounds, was sent to this board by a numb^{r} of the house of represent^{s} to be considered at ye next setting of Genl Assembly.

Capt. Saml Moody made application to this board for some satisfaction to be granted him for his services at ye eastward last winter; whereupon it was

In Councill

Ordered, That the treasurer do forthwth pay him ye sum of three pounds for s^{d} service.

Capt. Saml Moody p'sented a muster-roll of N. Hamp^{r} men that were und^{r} him in ye county of York this p'sent year, 1718, unto this board, amounting to £36: 1: 10, wch being read, it was in Councill Ordered, that the nine deserters who never returned to their duty should be debarred of their wages, amounting to £11: 10: 4, & that the remaining sum of £24:11s. should be paid in course out of the treasury, to such as did their duty (1).

The House of representatives being sent for to this board, &

(1) [From Journal of the House.]

31st Dec.

Voted, Yt ye 200 pound publick money formerly let to Ricd. Gerrish, Esq., deceasd., be demanded of his son Richd. Gerrish, & if he neglect or refuse to pay ye same, yt ye Bond be put in suitt; & yt Mr. Speaker Packer & Josha. Peirce be impowered to see ye same prosecuted to effect.

Josha. Peirce, Cler. Assem.

Voted, Yt whosoever shal from henceforward discover any person or persons yt shal be guilty of counterfeiting any of ye Plates or Publick Bils of Cred't of the Province of New Hampr. & convict him or them of ye same, shall [receive] as a gratuity, fifty pounds out of ye treasury of this Province; & yt ye treasurer be desired to take care ye same be inserted in ye Publick News letter.

And that if his Excellency think meet to make any alteration of ye above vote to bring it more in conformity to ye tenor of ye Massachusetts proclamation, not altering ye bounty, he be desired to do the same.

come accordingly, his Hon^{r} the Lt. Govr was pleased to prorogue the Genl Assembly to ye 25 March next; & accordingly the Genl Assem^{y} stands

Prorogued to ye 25 March, 1719.

An Original Letter of Governor Shute to Mr. Penhallow.

[Copied from Belknap's Hist. of N. H., Vol. 3, p. 349. Edition 1792.]

Boston, Feb. 2, 1718–19.

SIR:—Dr. COOKE having again over his cups treated me very scandalously, I have complained to the council, who I don't question will do me justice.

It will be of service to me to have a certificate to show *how drunk he was* that night that he and Colonel Goff broke into our company at young Gerrish's, for I remember that you and Mr. Bridger told me that he stay'd so long after we were gone, as to get *so drunk that he cou'd neither go nor stand;* if this be strongly certified, I believe it will give him a good lift. Pray my service to the Lieut. Governor, the council and your family.

I am, sir, your humble servant,

SAMUEL SHUTE.

Pro: N. Hamp^{r}.

At a Genl Assem^{l} held at Portsm^{o} by prorogation, 25 March, 1719.

Present in Council,

The Honble John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Shad. Walton, } Esqs.

Thos Westbrook, Esq.

The Clerk was sent down to the house of represent^{s} to call them to this board; they came accordingly, and his Hon^{r} the Lt. Govr was pleased to prorogue the Genl Assem^{l} to the 23^{d} April next; & accordingly ye Genl Assem. stands

Prorogued the 23^{d} day April, 1719.

[P. 125.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by prorogation, April 23^{d}, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. George Jaffry, Shad. Walton, } Esqs.

Richd Wibird, Esq.

The Clerk was sent down to the House of representatives to command their attendance at the Councill board (1). They came accordingly; & then his Excellency made the following speech:

Gent.—I promised you some time since, that I would use my best endeavors at home to get the Duty taken off from your lumber, & can now with great pleasure assure you, that our gracious Lord & master King George has given his consent to it.

To make this royal favour the most serviceable to us, it will be highly necessary to ascertain the number of mills, which will make your lumber very valuable, & will very much preserve the timber & will also be very acceptable to the crown and show our gratitude to the King for his signal favour towards this Province.

There are daily complaints made by the people that live near the lines of the Injustice they suffer by their remaining so long unsettled. I wish that ye Commission^{rs} on both sides would quickly meet and find out some method to terminate this unhappy difference, which would very much tend to cultivate a good harmony & friendship betwixt the two provinces.

I have nothing more at this time to offer, but again to remind you of repairing the Castle, to give all necessary encouragement to the raising of Hemp, & also to these new Iron Works, which wth the Duty taken of your lumber, will, with wise management, quickly render this a happy & flourishing Province.

Maj. Wear & Maj. Gillman came to this board from the house of representatives & prayed his Excellency's favour to grant that house a copy of his Speech; which was granted & sent down pr. the Clerk Accordingly.

Adjourned till to-morrow, 10 o'clock, A. M.

(1)[From Journal of the House.]

1719, 23d April. The House met according to adjornmt. or prorogation.

Present, Mr. Speaker,

Odiorn,	Gilman,	Pierce,
Reed,	Gilman,	Dennett,
Tebett,	Dam,	Ware,
		Wiggins.

[P. 126.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by adjornm^{t}, April 24, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Shad. Walton, } Esqs.,

Richd Wibird, Esq.

Adjorned till 3 o'clock, P. M.

Pro. N. Hamp^{r}. Mett again according to adjornment.

Present in Councill as Before.

Maj. Wear and Capt. Gillman brought up ye house of Representives' Answer to the Gov^{rs} Speech, wch Answer is as follows:

In Answer to Your Excellency's Speech—

We return your Excellency many humble and hearty thanks for your great favour obtained of his Majesty in taking of the duty of lumber.

As to ascertaining the number of mills, we leave it to further consideration.

As to the settling the line between the two provinces, we are ready to chuse a Committee to joyn wth a Committee of the upper house, to meet wth a Committee of the Massachusetts, when they please for that end.

As to the repairing of the Castle, there is a Committee already chosen to see that it be done, & are dayly providing for the same.

As to the encouragm^{t} of raising hemp, we are ready to give all encouragm^{t} wch may be thought reasonable.

As to the Iron Works, we are humbly of opinion that ye profits thereof may support ye undertakers of ye design.

THOS. PACKER, speaker.

Capt. Gillman and Mr. Eph^{a} Dennett brought up ye following vote to this board:

[P. 127.] Voted, That Col. James Davis & Jotham Odiorne, Esqs., & Josh^{a} Peirce, be a committee from this house to joyn such as may be chosen of the upper house, to audit the publick accounts of this Province.

Josh^{a} Peirce, Cler. Assem.

In Councill.

Voted a concurrence of the above vote, & that his Hon^{r} the Lt. Govr, Mark Hunking & Geo. Jaffry, Esqs., be of the Committee from this board for the service above.

April 24th, 1719. Richd Waldron, Cler. Con.

Geo. Jaffry and Richd Wibird, Esqs., were sent down to the house of Representatives to inform them, That the Councill had concurred with their vote for a Committee of Audit, &c., and also to carry down a vote of Council for a committee to run the divisional line between the provinces of N.Hamp^{r} & Massachusetts.

Adjorned till to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by adjornm^{t}, April 25, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

Capt. Josh^{a} Pierce, Capt. And^{w} Wiggins, & Mr. John Dam brought up the following votes to this board:

Whereas, there is a controversy between the Province of N. Hamp^{r} & Mass^{a} concerning the Divisional line between said Provinces, whereby several misunderstandings have arisen & may still arise: for prevention whereof, it is

In Councill,

Voted, That Mark Hunking and Richd Wibird, Esqs., be a Committee from this board to joyn wth two that may be chosen pr. the House of representatives, to go wth a surveyor that they shall appoint & have wth them, & view Merrimack river, & take a survey and Draft of s^{d} river, & to run the said divisional line according to ye Mass^{a} Charter; [P. 128.] And to make a return of the said Draft of the river and line, at the next Sessions of Genl Assembly, and that the said Committee be paid out of the treasury ten shillings a peice pr. diem for their service, and also the chainmen, &c., to be paid out of the treasury.

Richd Waldron, Cler. Con.

April 24, 1719.

In House of Represent^{s}.

Read and concurred.

Josh^{a} Peirce, Clerk Assem^{y}.

24th April, 1719. Voted, That Col. James Davis & Maj. Peter Wear be a committee from this house to joyn the Gen^{tn} of the

Committee of the upper house, to run the line & take the draft of the river Merrimack, & make their return as above.

Josh^a Pierce, Cler. Assem^y.

In the House of represent^s.

Pro: N. Hamp^r.

Voted, That his Excellency be presented with one hundred and ten pounds, to be paid out of the public treasury of this province in bills of creditt of the same.

25th April, 1719. Josh^a Peirce, Cler. Assem^y.

Eodem die. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

The Petition p'ferred ag^st a bridge at New Castle being read at this board, it was ordered, That the hearing thereof be on Thursday next at ten o'clock, A. M., & that the parties be notifyed accordingly.

Adjourned till Tuesday next, 10 o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o April 28th, 1719, by adjornment.

Present in Councill,

His Excellency Saml Shute, Esq., Govr.

Adjourned till tomorrow, 3 o'clock, P. M.

[P. 129.] Pro: N. Hamp^r.

At a Genl Assembly held at Portsm^o by adjournment, April 29, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govr,

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

Geo. Jaffrey and Shad. Walton, Esqs., were sent down to the House of Representatives wth the petition of Eliphalet Coffin & Tristram Coffin, wch was p'ferred at ye last Fall session; & the petition of Benj^a Leavitt p'ferred this day, wth a vote of Councill on each of them; and also a vote about Iron oar.

Mr. Saml Hinckes p'ferred a petition to this board, directed to the Genl Assembly as on file, wch is suspended till the next session in the fall of the year.

Adjourned till tomorrow, 9 o'clock forenoon.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, April 30th, 1719.

Present in Councill,
His Excellency Saml Shute, Esq., Govr, &c.,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,
Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Shad. Walton, } Esqs.
Richd Wibird, Esq.

The Clerk was sent down to the house of represent^{s} to call them to the Councill board, upon the hearing of ye petition about N. Castle bridge: They came accordingly, and the matters being at large debated on either side, & fully heard, the Represent^{s} withdrew to their own house to consider the same.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjorr m^{t}.

Present in Councill,
as Before.

Two members of the house of representatives brought the petition of Messrs Coffin to this board wth ye vote thereon; and also ye petition of Benj. Leavitt & a vote on that. The two petitions are on file, & votes as follow:

[P. 130.] The petition of Eliphalet and Tristram Coffin praying to have the Intail taken off from their estate being read, it was

In Councill

Voted, That the prayer in said petition be granted; and that Geo. Jaffrey & Richd Wibird, Esqs., be a committee from this board to joyn with two of the house of representatives to draw up a bill accordingly.

April 29th, 1719. Richd Waldron, Cler. Con.

Read in the House of represent^{s} & Voted a concurrence.

Josh^{a} Peirce, Cler. Assem.

And that Jotham Odiorne and John Gillman, Esqs., be of this house to joyn the Gent^{n} of the upper house, as a committee for the ends aforesaid.

29th April, 1719. Josh^{a} Peirce, Cler. Assem.

The petition of Benj. Leavitt to keep a publick house, &c., being read; it was

In Councill

Voted, That Benj. Leavitt, of Stratham, have license & is here-

by impowered to keep a publick house & sell drink (wthout paying excise) in s^{d} town, during his life, provided no just complaint be made against him.

Ap^{l} 29, 1719. Richd Waldron, Cler. Con.

In the House of represent^{s}.

Read and Voted a concurrence.

29th April, 1719. Josh^{a} Peirce, Cler. Assem.

Saml Penhallow, Esq., was sent down to the house of represent^{s} wth a vote for removing the province Records out of the hands of Wm. Vaughan, Esq., wch vote was brought back, the House being adjorned.

Adjorn^{d} to to-morrow, 10 o'clock, forenoon.

[P. 131.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjournm^{t} May 1st, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govern^{r},
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

Shad. Walton, Esq., was sent down to the house of represent^{s} wth a vote for removing ye records of this Province out of the hands of Maj. Wm. Vaughan.

Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth
by adjournm^{t} May 2^{d}, 1719.

Present in Councill,

His Excellency Saml Shute, Esq., Govern^{r},
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

The Reverend Mr. Nathl Rogers p'ferred a petition to this board, directed to the Genl Assembly, in relation to ye Prov: mony which he had taken upon Interest; the prayer of wch petition was voted to be granted, & sent down to the House of representatives by Shad. Walton, Esq.

Richd Wibird, Esq., was sent down to the House of represent^{s} wth a vote for thanking John Bridger, Esq., for projecting two acts for ye encouragem^{t} of Naval Stores* &c., wch was returned without any vote of the house thereon.

Capt. Gillman & Mr. Dam brought up ye following vote to this board:

Pro: N. Hamp^{r}. For the encouragem^{t} of Iron works wthin this Province,

In Councill

Voted, That no more Iron mine or oar be exported out of the Prov: upon the penalty of paying ten pounds pr. ton; & that an Act be drawn up accordingly; & that Geo. Jaffrey & Richd Wibird, Esq^{s}, be of a Committee from this board to joyn wth two of the house of represent^{s}, to prepare the bill, &c.

April 29, 1719. Richd Waldron, Cler. Con.

[P. 132.] Read and concurred.

Josh^{a} Peirce, Cler. Assem.

Voted, That Jotham Odiorne & John Gillman, Esq,, be of this House to joyn the Committee of the Upper house to prepare a bill accordingly.

29th April, 1719. Josh^{a} Peirce, Cler. Assem.

Capt. Gillman & Mr. Dam brought up a vote of the house of represent^{s} to this board, for building a bridge at New Castle, &c., wch was suspended for further consideration (1).

* JOHN BRIDGER, whose name frequently occurs in these pages, was commissioned by the Board of Admiralty in England, along with Benjamin Furzer, to inquire into the capacity of the American Colonies for procuring Naval Stores, and to survey all the woods for masts, oak timber, pitch pine, and for land suitable for hemp. He accompanied Lord Bellomont to the Barbadoes, where, falling sick "of a debauch," Furzer died, and Mr. Bridger was left behind. He, however, followed the Earl of Bellomont, 1698, to New York, and was sent by his Lordship to Boston to execute his commission, and to instruct the people in the manufacture of naval stores. He came to New York to instruct the Palatines, but returned almost immediately to New England, where he became odious, especially to the people of Maine, by his attempts to prevent their cutting down pine trees on their own ground. He was accused with having accepted money from persons for leave to cut masts, which was refused to others who were not disposed to purchase the permit. The House of Representatives of Massachusetts complained of him to Governor Shute, by whom he was, however, protected. In 1729 he was succeeded in his office by Colonel Dunbar, afterwards Lt. Governor of New Hampshire. [*Hutch. Hist. Mass., II*; *Williamson's Hist. of Maine, II*; *Col. Hist. N. Y., V.*]—ED.

(1) [From Journal of the House.]

Voted, That ye Town of New Castle have ye liberty of building a Bridge from Great Island to Sanders' Point, on ye maine land: Provided it be done at ye proper cost of New Castle, or such as shall freely subscribe thereto; they leaving passage for shallops &c., by a Draw-bridge.

30 April, 1719. Josha. Peirce, Cl. Assem.

To prevent any difference that may arise between Hampton and Exeter by reason of the last settlement of the lines in this Province, which divides and cutts many men's land asunder:

Voted, That the line shall run straight between Hampton and Exeter, from the Maple Tree at the south-west corner of Stratham bounds to the south trees where there is a heap of stones piled up, & from thence upon a west & by north line as it is now settled, to the town's bounds; and whatsoever lands are first granted and laid out or divided into lotts, & return made of the same upon the town records from whence it was granted, for the space of fourteen years past, shall not be dispossest of their lands, but shall be accounted a good title to them and their heirs forever, always paying their taxes and dutyes in the town where such lands shall lye.

As also the line between Exeter and Dover to stand as it was run by the Committee; and whosoever shall wthin two months after the date hereof, bring a fair and legal grant of land & fairly laid out & return made on record on either side of said line, & a true copy brought to the clerk or selectmen of either town where they are laid out and bounded wthin ye time above mentioned, that the eldest grants shall be good to them that have them, they paying their dutyes to the Town wherein they fall, always excepting high-ways, through any lotts granted as abovesaid, & land sufficient to mills or works sett up on Lamprile river, as ye selectmen of either Town, wherein such ways or accommoditions belong, shall judge needfull.

Josh^{a} Peirce, Cler. Assem.

1 May, 1719.

May 2^{d}, 1719. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

[P. 133.] Voted, That Capt. Reed & Lt. Dennet be a Committee to joyn such as may be chosen by the upper house, to form the Excise for this p'sent year.

Josh^{a} Peirce, Cler. Assem.

In Councill.

May 2^{d}, 1719. Concurred: & Shad. Walton & Richd Wibird, Esqs., to be of the committee above.

Richd Waldron, Cler. Con.

2d May, 1719. Voted, Yt Maj. Jno. Gillman's Loghouse by ye bridge, be a publick licensed house for Entertainment, paying as other publick houses in ye Province do.—*Jour. of House.*

Voted, That the Lt. Govr be presented with the Excise of this Province, for the year ensuing.

Josh^{a} Peirce, Clr. Assem.

May 2^{d}, 1719. In Councill.

Voted a concurrence.

Richd Waldron, Clr. Con.

Voted, That the several accounts hereafter inserted, be paid out of the treasury, and that ord^{rs} may be given for ye same: viz.,

To the Lieut. Govr as pr. account	£7:	15:	9
Robt Coates, ditto	1:	10:	0
Saml Jordan, ditto	4:	0:	0
The Treasurer's Genl account	2639:	11:	3
Mr. Clerk Waldron, ditto	60:	0:	0
Mr. Speaker Packer, ditto	11:	0:	0
Mr. Sher. Gambling, ditto	6:		

May 2^{d}, 1719. Josh^{a} Peirce, Clr. Assem.

Eodem die. In Councill.

Voted a concurrence.

Richd Waldron, Clr. Con.

Voted, That the mony allowed in the Treasurer's accounts paid for the repairs of the Prison (viz.), one hundred & forty pounds, be paid to the p'sent committee for carrying on the repairing or building s^{d} prison.

2^{d} May, 1719. Josh^{a} Peirce, Clr. Assem.

Eodem die. Voted a concurrence.

Richd Waldron, Clr. Con.

Whereas there was a motion made by the upper house that Maj. Vaughan was rendered uncapable of managing ye publick records of this Province, — he being superannuated: ·

[P. 134.] Voted, That the Records be removed from Maj^{r} Vaughan's unto some meet person that shall be appointed.

1 May, 1719. Josh^{a} Peirce, Clr. Assem.

Voted, That Saml Penhallow, Esq., be the Recorder of this Province, & that the records be removed into his hands, during pleasure.

1 May, 1719. Josh^{a} Peirce, Clr. Assem.

May 2^{d}, 1719. In Councill.

Voted a concurrence to both the foregoing votes.

Richd Waldron, Clr. Con.

Voted, That ninety pounds broken bills in the Treasury be

burnt to ashes, & that Mr. Speaker Packer & the clerk of this House be of the Committee to see said mony burnt.

2 May, 1719. Josh^a Peirce, Cler. Assem.

Eodem die. In Councill.

Voted a concurrence.

Richd Waldron, Cler. Con.

The clerk was sent down to the house of represent^s to require their attendance at ye Coun: board. They came accordingly, and the several bills hereafter mentioned having had their readings in both houses, were signed & sealed, & past into Acts in p'sence of the Genl Assem. viz:

An act for preventing Masters of ships conveying debtors out of this Province.

For prevention of frauds & perjuries.

To encourage ye sowing & cureing Hemp, & to preserve pitch-pine trees, &c.

For preservation of high-ways, &c.

Relating to constables collecting rates, &c.

To encourage the raising sheep, &c.

Ag^ct taking more than established fees.

For encouraging Iron works.

For the settlement & support of Grammar Schools.

Providing that in suits where goods or other estates is attached, the defend^t be summoned.

To prevent and make void clandestine & illegal purchases of lands from ye Indians.

For regulating townships, choice of town-officers, &c.

For regulating the Assize of Cask, &c.

In addition to the Act for regulating ye militia.

[P. 135.] The foregoing bills being past into Acts, his Excellency was pleased to prorogue the Genl Assem., and they were accordingly

Prorogued till the 21st day of July, 1719.

Pro: N. Hamp^r.

At a Genl Assembly held by prorogation, July 21st, 1719.

Present in Councill,

His Hon^r John Wentworth, Esq., Lt. Govr.

Prorogued to the 18th day of Aug., 1719.

Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o}
by prorogation, Aug. 18, 1719.
Present in Councill,
His Hon^{r} John Wentworth, Esq., Lt. Govr.

Prorogued to the 22^{d} day of Sept., 1719.

Pro. N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o}
by prorogation, Sept. 22, 1719.
Present in Councill,
His Excellency Samuel Shute, Esq., Govr,

Saml Penhallow, Mark Hunking, } Esqs. George Jaffry, R.ch^{d} Wibird, } Esqs.

Adjorned till to morrow, 3 o'clock afternoon.

[P. 136.] Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o}
by adjornm^{t}, Sept. 23^{d}, 1719.
Present in Councill,
His Excellency Samuel Shute, Esq., Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, Thom^{s} Westbrook, } Esqs.

Geo. Jaffrey, Esq., & the clerk of the Council were sent down to the Representatives to inquire whether they were a House, (1) & if not, to desire the Speaker forthwth to dispatch away summons to call together those members that did not attend, that the Genl Assem: might enter upon the busyness before them.

Adjorned till tomorrow, 10 o'clock, A. M.

(1) [From Journal of the House.]

1719: 22d Sept. Ye House mett according to prorogation.
Present—Mr. Speaker Packer, Peirce, Dennett, Read, Capt. Gillman.

Pro. N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, Sept. 24th, 1719.

Present in Councill,

His Excellency Samuel Shute, Esq., Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^{s} Westbrook,	

The following bills had a first reading at this board (viz.):

1st. An Act for destroying unruly & ravinous dogs.

For hearing & determining cases in equity.

In addition to the Act for better observation and keeping the Lord's day.

Agst counterfeiting ye bills of creditt of the Prov:

For the better p'venting a spurious & mixt issue.

For upholding & regulating of Mills.

7. In addition to & explanation of the Act for the settling & distribution of ye Estates of Intestates.

A message by the Clerk of the Councill to the Speak^{r} & house to require their attendance at the board: they came accordingly, and his Excellency was pleased to make the following speech:

Gent^{n}—Since our last meeting, I have received direct orders from his Majesty, forbidding any laws to be past for the future [p. 137.] that may effect the trade or navigation of the ships from England, which will p'vent the receiving of the powder-money for the future from such vessells. This order is to be recorded in the Councill-books, and also in the House of representatives, according to the Instructions I have received, that so they may be strictly complied with.

All that I have further to observe to you is, The College at Cambridge is entirely erected at the charge of the Massa^{s}, and that since it hath been very instrumental towards the encouragement of religion and learning, & that ye youth of this Province receive great advantage in their education from it, that it will tend greatly to the reputation of this Province to show their grateful acknowledgement of the benefits their children receive there, by making some handsome present for the augmentation of ye Library.

Gent^{l}—'Tis yor season of Harvest,—shall therefore be glad to permitt you to go home as soon as possible.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Coun., as Before.

Messrs. James Gregg and Robt Wear preferred a petition to this board, directed to the Genl Assem., praying that sundry p'sons at

Nutfield, lately arrived from Ireland, might be incorporated into a Township. The petition was read, as on file, & the consideration thereof was suspended till his Excellency's next coming into this Province.

A message to the board by Col. James Davis & Capt. Hugh Reed, requesting his Excellency the Govr (in the name of the Speaker and the House) to favour them with a copy of his Speech; which he was pleased to grant, & the same was immediately sent down by the clerk.

Samuel Penhallow and Richd Wibird, Esqs., were sent down to the house, wth the seven bills wch had their first reading at the board in the morning.

Adjourned till to-morrow, 10 o'clock, A. M.

[P. 138.] Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, Sept. 25, 1719.

Present in Councill,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,
Mark Hunking, Geo. Jaffry, } Esqs. Shad. Walton, Richd Wibird, } Esqs.
Thom^{s} Wentworth, Esq.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.
Present in Coun., as Before;
Also, Saml Penhallow, Esq.

An Act in addition to the Act for the due regulation of weights and measures, read a first time at the board.

A message to the board by Col. James Davis & Capt. Hugh Reed, wth the House of Represent^{s} Answer to his Excellency the Governor's Speech, as follows:

May it please your Excellency,—

As your Excellency is pleased in your speech, to advise the House of representatives of his Majestie's Order forbidding any future Act that may affect the trade or navigation of the ships from England,

We are ready and willing to shew our loyalty and due obedience to all his Maj^{ties} directions, & pray that we may be served wth said Order, that we may record it in our book.

We observe your Excellency's reasonable regard for the college

& its dependencies, and thank your good advice; but the Debts of the Province at present are so heavy, that we cannot doe as we would if und^{r} different circumstances.

We should be very thankfull to your Excellency if you will please to consider, that 'tis Harvest time wth us, & promise yor Excellency to do what is proper for us to shorten the present sessions.

[P. 139.] A message to the House by George Jaffry & Richd Wibird, with a draught of the sea-coast, & river of Piscataqua, by Capt. Cyprian Southack, and a memorial relating thereto; also, a bill entitled an Act in addition to the Act for the due regulation of weights & measures, wch had its first reading at the board yesterday.

A message to the House by Mark Hunking and Richd Wibird, Esqs., wth a vote of the board for appointing an Agent to manage the affairs of this Governm^{t} in England.

The petition of Samuel Hinkes, wch was suspended from May last to this present sessions, being read, it was Ordered, That the consideration thereof be further put off till to-morrow, 10 o'clock, forenoon, & that the Heirs of Edwd Polly be notifyed thereof, that they may attend & object if they see fit.

A message to the board by Jotham Odiorne & Andr^{w} Wiggin, Esq., with a vote to repeal the Act relating to Iron Oar.

Adjorned till to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, Sept. 26th, 1719.

Present in Councill,

His Excellency Samuel Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^{s} Westbrook,	

Mr. Saml Hinkes appeared at ye board to prosecute his petition wch was read yesterday, & the heirs of Edwd Polly also appeared, to Answer. It was then resolved at the board that the hearing & consideration thereof should be suspended, till the Gov^{rs} next coming into this Province.

A message to the board by Col. James Davis & Mr. Eph^{a} Dennet wth the Draught of the sea-coast & river of Piscat^{a}, by Capt. Southack, & his memorial relating thereto, wch was laid before the

House yesterday; the Draught was withdrawn by the Lt. Govr. The memorial is on file.

[P. 140.] A message from the House by Col. James Davis and Mr. Richd Dennet entered wth a bill for destroying unruly and ravenous dogs (not acted upon at the board), by the same message to the board as vote as follows:

In Councill.

The Committee appointed for settling the town bounds within this Province, &c., made their return & gave in a copy of their journal to his Honour ye Lt. Govr, which return and journal, both dated Decr 24th, 1718, were this day by him laid before the board, wch were accepted.

Voted, That the return be & hereby is confirmed, & y^{t} the bounds therein mentioned shall be the established lines & boundaries for all the Towns therein mentioned, & that it be sent down for concurrence.

Decem^{r} 30th, 1718. Richd Waldron, Cler. Con.

Read in the house of Representatives three times & voted a concurrence (1).

26th Sept., 1719. Josh^{a} Peirce, Cler. Assem.

A message from the House by Jotham Odiorne & Andr^{w} Wiggin, Esq., praying that their vote for repealing the Act about Iron Oar, wch was sent to the board yesterday, might be returned to the House to be amended; and the same was sent to the House by the Clerk of the Coun^{l}, accordingly.

A message to this board by James Davis, Esq., & Mr. Eph^{a} Dennet, wth ye vote about Iron Oar amended; the amendment was (Voted) scratched out & (we pray) added instead thereof, as on file. The two following votes came to hand by the same message:

Voted, That the Grand Committee for letting out the fifteen thousand pounds raised in October, 1717, be desired to lay the ac-

(1) [From Journal of the House.]

Mr. Jotham Odiorn, Esq., & Capt. Hugh Reed enters their Decent against ye Return of the Comittee for settling ye lines & boundaries between ye several Towns w'thin this Province (viz.), ye lines between Portsmo. & New Castle.

count of said £15,000 before the Gen[l] Assem. at their next sessions.

26th 7[br], 1719. Eph[a] Dennet, (1)Cler. Assem.

In Councill.

Eodem die. Concurred.

Rich[d] Waldron, Cler. Con.

[P. 141.] In the House of Representatives.

Voted, That his Excellency be presented with one hundred pounds, & to be paid out of the Treasury of this Province.

Josh[a] Peirce, Cler. Assem.

In Councill.

Eodem die. Voted, a concurrence.

Rich[d] Waldron, Cler. Con.

In Councill.

Whereas, by the deaths of sundry members of the Councill, there is not a sufficient number of Councillors, Thomas Packer, Esq., was sent for, who appearing at the board, was then voted & admitted a member of the said Council, — to whom were administered the oaths appointed by law; & then he took his place at the board accordingly.

A message to the house by George Jaffrey, Esq., to inform them that Thomas Packer, Esq., was chosen a member of his Maj[ties] Council & admitted to the board, & to direct them to choose a new Speaker.

Mr. John Partridge preferred a petition and complaint to the board ag[st] his son Jon[a], as on file.

A message to the board by James Davis, Esq., that Mr. Josh[a] Peirce was chosen speaker of the house, in the room of Thomas Packer Esq., lately removed into the Councill.

Prorogued to the first Wednesday in December next.

(1) [From Journal of the House.]

Whereas, Capt. Packer, ye former Speaker, is this day removed to ye Council Board, by his Excellency's order, & a new Speaker chose in his room, which was by a general vote cast upon Josha. Peirce, who was presented to his Excellency & accepted:

The House returned from Council Chamber & chose Mr. Epha. Dennet cl'k for ye house & swore him to his office.

The House sent up for into Council Chamber & prorogued ym to the first Wednesday in Decemr. next, by his Excellency, Saml. Shute.

26th Sept. 1719.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by prorogation, Decr 2^{d}, 1719.

Present in Councill,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, George Jaffrey, } Esqs. Richard Wibird, Thomas Westbrook, } Esqs.

A message to the house by the Clerk of the Councill, to require their attendance at the Councill Chamber. Mr. Speaker and the house came up accordingly, & then his Hon^{r} was pleased to propose an addition to the [P. 142.] Committee appointed to run the partition line between this Province & the Mass^{a}, & nominated Saml Penhallow & George Jaffry, Esqs., wch was consented to, & then the speaker & house withdrew to their own room.

A message from the House(1) by Mr. Eph^{a} Dennet, with the following vote: Whereas, there is an ord^{r} from the board of trade for running the Dividing line between this Province & the Province of the Mass^{a}:

Voted, That Mr. Speaker Peirce, be chosen of this House to joyn with the Committee chosen last May sessions for that end (2).

Eph^{a} Dennet, Cler. Assem.

Dec. 2^{d}. Concurred in Councill.

Richd Waldron, Cler. Con.

Mr. Speaker Peirce brought & laid the following vote before the board;—entered at the foot of the petition referred to, wch is on file.

The petition above was read and considered, & ordered that the

(1) 2 Decem., 1719. The House met according to Prorogation.

Present, Mr. Speaker,

Capt. Odiorn,	Coll. Ware,
Capt. Reed,	Majr. Gillman,
Eph. Dennet,	Capt. Gillman,
Capt. Davis,	Capt. Wiggins,
Capt. Tebet,	Mr. Dam.

(2) [From MS. Corr. in Secretary's Office, N. H.]

Boston, Dec. 3d, 1719.

Sir,—I am directed by the Hon'ble ye Lt. Govr. & Coun. to signify to you, That the Genl. Assem. of New Hampr. have appointed commissioners to meet the Gentn. appointed by ye Massa. Governmt. to confer about, & resolve upon ye divisional or partition line between ye two provinces; and that the Hampr. Gentn. will attend the service at Mr. Woodbridge's Tavern at Newbury, on Wednesday next; when & where the[y] hope to meet ye Commissioners of yor. province. I have nothing further at present, save that I am, Sir,

Yor very humble servt.,

Richd. Waldron, Cler. Con.

To Mr. Secretary Willard.

Execution be suspended at p'esent, & that the aboves[d] sum of three hundred twenty-eight pounds received by several judgments, together wth the five pounds nine shillings cost, be paid out of the treasury as soon as money can be brought into it.

Josh[a] Peirce, Cler.

In Councill.

Voted a concurrence, & that his Hon[r] the Lt. Gov[r] be desired to issue out a warrant to the Treasurer accordingly.

Dec. 2[d], 1719. Rich[d] Waldron, Cler. Con.

Prorogued to the second Thursday in February next, 1719-20.

Prorogued to the last Wednesday in March next, 1719-20.

Prorogued to the twentyeth day of Aprill next, 1720.

Prorogued to the twenty-sixth day of April, 1720.

[Copied from Belknap's Hist. of N. H., Vol. III., pp. 346-349. Boston, 1792.]

The humble Apology of the People of Nutfield to his Excellency SAMUEL SHUTE, General, Governor and Commander-in-Chief of his Majesty's Provinces of the Massachusetts Bay and New Hampshire, in New England.

May it please your Excellency,—

The subscribers having seen a copy of your Excellency's letter to Captain White and Captain Kimball, find themselves under a necessity of vindicating themselves from the charges given in against them; it being allowable by the law of nature and of nations, to the greatest criminals, to defend themselves when they justly plead in their own vindication. We were surprised to hear ourselves termed *Irish people*, when we so frequently ventured our all for the British crown and liberties against the Irish Papists and gave all tests of our loyalty which the government of Ireland required, and are always ready to do the same here when demanded. Though we settled at Nutfield, yet we used no violence in the manner of our settlement, seeing no body in the least offered to hinder us to set down in a desolate wilderness; and we were so far from hindering the English that really had a mind to plant with us, that many of them are now incorporated with us. After our settlement we found that two or three different parties claimed Nutfield, by virtue of Indian deeds, and we were given to understand that it was necessary for us to *hold the soil by some right purchased from the natives*. Accordingly we made application to the Hon. Col. Wheelwright of Wells, and obtained his Indian right; which we have to show. His deed being of ninety years' standing, and conveyed from the chief Sagamores between the rivers of Merrimack and Piscataqua, with the consent of the whole tribes of the Indian nation, and well executed, is the most authentic we have seen; and the subscribers could not in reason think that a deed which is not twenty years old, of land which is not sufficiently butted and bounded, from an obscure Indian, could

give any right to land which had been sold so many years before, by the right owners. And the subscribers hope they will be excused from giving away so good a title for others that cannot pretend rationally to be so well supported; and which they always refused to warrantee and make good against other claims. The dutiful applications which we have made to both courts, if we be incorporated, in whatsoever province we fall to be, will witness for our respect to his Majesty's government. If affidavits have been given against one of our number as using some threatening expressions, we hope it will not be imputed to the community. If our accusers be permitted to come up in troops, as they have done, and violently demolished one of our houses, and destroyed part of our hay, and threatened and insulted us with impunity, to the great terror of our wives and children, when we suffered patiently, and then accuse us to our rulers of violence, injustice, fraud, force, insolence, cruelty, dishonour of his Majesty's government, and disturbance of his Majesty's subjects, injuries and offences to the English, and the like, when we know ourselves to be innocent, we think it hard measure; and must have recourse to God, who forbiddeth to take up a bad report against our neighbour, and will, we hope, bring forth our righteousness as the light, and our judgment as the noon-day. If we be guilty of these disorders, we are liable to a legal trial, and are not so weak as to suppose ourselves to be out of the reach of your Excellency's government. The subscribers hope that if any other accusations come in against them, they will be allowed an equal hearing before they be condemned: and as we enjoy the liberty of the gospel here, which is so great a mercy, shall improve it, for God's glory; and as he has taught us, be dutiful to his Majesty's government set over us, and if possible, live peaceably with all men, shall be desirous of peaceable neighbors, that want to settle with us, and help us to subdue a part of this vast and uncultivated wilderness; and shall not cease to pray for the divine blessing on your Excellency's person and government.

Done at Nutfield, Feb. 27, 1719–20, and subscribed by

JAMES McGREGORE, &c.

[P. 143.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o} by prorogation, April 26, 1720.

Present in Councill,

His Excellency Samuel Shute, Esq., Govr,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Shad. Walton, Thomas Packer, } Esqs.

A message from his Excellency by the Clerk of ye Council to the

house of representatives (1) to require their attendance at the board. The Speaker and house came accordingly, and then his Excellency was pleased to make the following Speech:

Gent:—There being no ships arrived from Great Brittain that has brought me any letters, I have nothing to acquaint you with from thence, so that I hope you will quickly finish the accounts of the Province and make this meeting of the Assembly very short; but if after I return to Boston, I shall receive any letters that bring any affairs of moment relating to this province, I will not fail to meet you again before the fall sessions.

Adjorned till tomorrow, 8 o'clock A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}, by adjornm^{t}, April 27, 1720.

Present in Coun:

His Excellency Samuel Shute, Esq., Govr,

His Honour Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Tho. Packer, Esq.

A message from the house by Peter Wear, Esq., & Capt. John Gillman to his Excellency, to pray a Copy of his speech,—whereupon his Excellency directed the clerk to prepare the same & deliver it to the house: which was done accordingly.

[P. 144.] By the same message a vote of the house for a Committee of Auditts, which was concurred with in Coun: and is as follows:

Voted, That the Speaker, Col. Davis & Capt. Odiorne be a Committee from this house to joyn such as shall be chosen by the upper house, to Auditt ye publick Accounts of the Province, & that they make their return to this house at this Sessions.

26 April, 1720. James Davis, Cler. pro temp.

In Councill.

April 27, 1720. Voted, a concurrence; and further voted, That

(1) 1720, April 26. The House met according to adjournm't or prorogation.

Present, Mr. Speaker,

Capt. Wiggin,	Coll. Davis,
Mr. Eastman,	Col. Ware,
Mr. Dam,	Maj. Gillman,
Capt. Gillman,	Capt. Odiorne,
Capt. Tebett,	Eph. Dennett.

—*Journal of the House.*

his Honour the Lieut. Govr, Mark Hunking and Richd Wibird, Esqs., be of ye Committee from the board for the service above.

Richd Waldron, Cler. Con.

Capt. Henry Sherbourn being returned by the sheriff to serve in the house of representatives for the town of Pourtsmouth, in the room of Thomas Packer, Esq., lately removed into the Council, was sent for to the board, and there qualifyed to Act by taking the oaths appointed by law(1).

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present as Before.

Adjorned till tomorrow, 9 o'clock A. M.

Pro: N. Hamp^{r}.

At a General Assembly held at Portsm^{o} by adjournm^{t}, April 28, 1720.

Present in Coun^{l},

His Excellency Samuel Shute, Esq., Govr,

His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Sam. Penhallow, Mark Hunking, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Thos Packer, Esq.

Adjourned till 3 o'clock, P. M.

[P. 145.] Pro: N. Hamp^{r}. Mett again according to adjournm^{t}.

Present as Before.

The petition of Mr. Samuel Hinkes, which was preferred in April, 1719, and voted to be considered at this time, was read.

The petition preferred by Mr. Hughes at the sessions in September last, signed by about 100 persons and suspended till this time; and also another signed by Capt. Henry Sherburn and Mr. Clem^{t} Hughes and Comp^{s}, as a supplement to the aforementioned

(1) [From Journal of the House.]

April 27. Voted, Yt Henry Sherburn be Clark of ye House of Representatives.

petition, preferred this day, were read at the board, praying for a Township in the waste lands adjoining to Kingston, &c.

Ordered, That the clerk give notifications to such persons as have a claim upon the said land, or have any thing to object against making a township according to the tennour of the above petition, to appear before his Honour, the Lieut. Govr and Council, to whom the matter is referred, to offer any thing in the p'meses.

In Coun^{l}.

Ordered, that whatsoever persons in the Town of Hampton have taken any mony upon interest of the Province of New Hamp^{r}, shall pay all their taxes to Hampton without exception.

Richd Waldron, Cler. Con.

Adjourned till tomorrow, 9 o'clock A. M.

Pro: N. Hamp^{r}.

At a Gen. Assem: held at Portsm^{o}
by adjournm^{t} April 29th, 1720.

Present in Council,
His Excellency Saml Shute, Esq., Govr,
His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,
Saml Penhallow, Mark Hunking, } Esqs. Shad. Walton, Richd Wibird, } Esqs.
Thom^{s} Packer, Esq.

[P. 146.] A message from the House by Maj. Gillman and Mr. Dam to his Excellency, with an answer to his speech as follows:

May it please your Excellency,—

We return your excellency thanks for your great care for us in coming into your Governm^{t} here. We should have been glad yor Excellency had good news from Great Brittain to have brought us: We shall dispatch the Acc^{ts} of the Province as fast as possible, having chosen a Committee to adjust the same. If your Excellency should have any good news of moment, your Excellency will be pleased to communicate it to us.

Henry Sherburn, Cler. Assem.

A message to the board by Maj^{r} Gillman and Mr. Dam, with the following vote from ye House:

Voted, That forty-six pounds two shillings and nine pence broken bills of credit in the Treasury be burnt.

April 28th, 1720. Henry Sherburn, Cler. Assem.

April 29th, 1720. In Council.
Concurred. Richd Waldron, Cler. Con.

[P. 147.] A message to the board by Messrs Samuel Easman and John Dam with a vote from ye house as follows:

Voted, That Capt. Odiorne, Esq., and Maj^{r} John Gillman be a Committee for this house to joyn such as may be chosen by the Upper house, to form the Excise for this year ensuing, and the Committee to be paid out of the Excise.

April 28, 1720. Henry Sherburn, Cler. Assem.

April 29th, 1720. In Council.

Voted a concurrence, and Shad. Walton & Richard Wibird, Esq., are appointed from ye board to joyn in the affair abovementioned.

Richd Waldron, Cler. Con.

A message to the house by the Clerk of the Council, with the petition of Mr. Saml Hinks, and a vote of Coun^{l} relating to it.

The petition of John Mead and Joseph Mead in behalf of their father Nicholas Mead in prison, praying his release, read at the board and sent down to the house by Saml Penhallow and Shad. Walton, Esqs.

The petition of Joseph Chesley, praying to be considered as wounded by John Davis of Dover, read and sent down pr. the clerk.

The petition of Jotham Odiorne, Esq., John Sherburn and John Leach, in behalf of the town of New Castle, praying that the Isles of Shoales may bear a part of that Town's charge in the Province rate, read.

A message to the House by Richd Wibird, Esq., with two votes from the board, one for a committee to proportion Kingston in the Prov: tax, the other for a committee to proportion the Isles of Shoals in s^{d} tax.

Adjorned till 3 o'clock P. M.

[P. 148.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Council, as Before.

A Message to the board by Mr. Dennet and Mr. Dam, with the petition of Mr. Saml Hinkes and the vote of Council relating to it (which was sent down in the morning) concurred with. The petition is on file, and the vote as follows:

In Council.

Voted, That the lott of land now in the possession of Mr. Samuel Hinks joyning unto the house-lott of the said Hinks in Portsmouth, which was heretofore the estate of Edward Polly, de-

ceased (as mentioned in a petition signed by the said Hinks, and this day read at the board, as on file), shall be delivered by the said Hinks unto the children of the said Edward Polly, in case and upon condition they repay unto the s^d Hinks forty one pounds sixteen shillings and ten pence; the s^d Hinks having paid so much to the wife of the s^d Edward Polly in part purchase of the said piece of land. But if the s^d Polley's children refuse to pay the afores^d sum to the afores^d Hinks, then the said Hinks shall pay to the children of the said Polly thirteen pounds three shillings and two pence more than what has been already paid to their mother, and the p'mises shall be to the said Hinks and his heirs forever.

April 28, 1720. Richard Waldron, Cler. Con.

Read twice in the House of representatives and concurred.

April 29th, 1720. Henry Sherburn, Cler. Assem.

A message to the board by Messrs. Dennet and Dam, with two votes of Council concurred with in the house, which are as follows:

[p. 149.] In Council.

Voted, That Samuel Penhallow and Mark Hunking, Esqs., be of a committee from the board to joyn such as shall be chosen by the house of representatives to examin what will be proper for the town of Kingston to be charged in the province tax in proportion to the other towns, and report it to the General Assembly at their next sessions.

Richd Waldron, Cler. Con.

April 29th, 1720.

Read in the House of representatives and concurred, April 29th, 1720.

Henry Sherburn, Cler. Assem.

Voted, That Maj^r John Gillman and Capt. Henry Sherburn be a committee from this House to joyn the gentlemen of the upper house for ye end abovsaid.

Henry Sherburn, Cler. Assem.

In Council.

Voted, That Richard Wibird and Thomas Packer, Esq., be of a Committee from this board to joyn with such as shall be chosen by the house of represent^s to examine what will be proper for the Isles of Shoales to be charged in the Province tax, and report it to the General Assembly at their next sessions.

Richard Waldron, Cler. Con.

April 29th, 1720.

Read and concurred with.

Henry Sherburn, Cler. Assem.

[P. 150.] A message to the board by Jotham Odiorne, Esq., and four other members of the house, wth a vote for presenting the Govr with £100, which was concurred with, and is as follows:

Voted, That his Excellency be presented with one hundred pounds, and that the same be paid out of the Treasury.

Henry Sherburn, Cler. Assem.

April 20th, 1720.

In Council.

Concurred. Richd Waldron, Cler. Con.

The Petition of James Gregg and Robert Wear in behalf of a company of people lately come from Ireland, and now at a place called Nuttfield, praying for a township, &c., which was p'ferred in Septemb^r^ last, and then read & suspended, was now again read at the board, & thereupon, it was

In Council

Resolved, That Mr. James McKeen, a resident at Nutfield aforesaid, be commissionated a justice of the peace within this Province; and a commission was forthwith made out, signed & delivered to the said MacKeen accordingly; who took all the oaths required by law in that case, at the same time.

It was further ordered, That a warrant constituting and making a constable at said Nutfield, be likewise made out and signed, which was done accordingly.

A message to the House by Mark Hunking and Thomas Packer, Esq., to propose the appointing an agent at home.

Adjorned till tomorrow, 9 o'clock, A. M.

[P. 151.] Pro: N. Hamp^r^.

At a Genl Assem. held at Portsm^o^
by adjornm^t^ April 30th, 1720.

Present in Coun.,

His Excellency Samuel Shute, Esq., Govr,

His Hon^r^ Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Thos Packer, Esq.

A message to the board by Capt. Jno. Gillman with a vote of the House which was concurred with in Council, and is as follows:

Voted, That Nicholas Meed be confined in close prison, and there well secured, untill he gett some persons to be bound with

good security to pay forty pounds a year till the whole debt be paid to said Province.

Henry Sherburn, Clcr. Assem.

April 30th, 1720. In Council.

Voted a concurrence.

Richd Waldron, Cler. Con.

A paper directed to his Honr the Lt. Govr subscribed by Jotham Odiorne, relating to a complaint agst him for speaking direspectfully of the Governmt, read at ye board and ordered to be filed.

A message from the Govr to the House by Capt. Wibird directing their attends at the board upon a conference concerning the appointment of an agent at home: The Speaker and house attended accordingly, and the matter being fully discoursed withdrew to their own apartment.

[P. 152.] A petition of Wm. Stiles & Comps, relating to an appeal pending between them, Appellts, and Richd Waldron, Esq., Appellee, read at ye board and sent down.

A message to the House by Capt. Gillman with a vote from ye House which was concurred with, & is as follows:

Voted, That Agency be impowered to solicit the Province interest at home, relating to the lines between this Prov: & the Mass, &c., and that a Committee be chosen of both houses to draw up instructions for said agent, and that one hundred pounds be given out of the treasury of this province for his encouragmt.

Henry Sherburn, Cler. Assem.

In Coun:

April 30th, 1720. Concurred.

Richard Waldron, Cler. Con.

A message to the board by Mr. Dam, with a vote from the house which was concurred wth and is as follows:

Voted, Whereas there is a committee chosen of both houses to proportion Kingston and Gosport, alias Isles of Shoales, what they shall pay to the Province tax, and that the same Committee shall see what alterations are made in any town or parish by reason of the new lines now settled, that where any persons are taken of from any town and added to any other town, that so much as they paid in said Province tax, shall be taken of from that town's proportion, and added to that town where the new belong; and that the Assem. shall proportion that mony that is to be raised in Kingston and Gosport, alias Isles of Shoals, on the several towns in said Province.

April 30, 1720. Henry Sherburn, Cler. Assem:

[P. 153.] April 30th, 1720. In Coun:
Read & concurred.

Richd Waldron, Cler. Con.

The petition of Capt. Timothy Gerrish, Capt. Paul Gerrish and Mr. Thoms Hanson, praying the Trees which they had gotten for the King, and were lately seized by the surveyor-general, might be discharged, or that ye said surveyor might be quickened in prosecuting his seizure, that the trees might not be suffered to be destroyed by worms or rot on the ground, was read at the board, as on file.

A message to ye House by Saml Penhallow, Esq., with a vote of Council appointing Henry Newman, Esq., agent for this Province.

A message to the board by Peter Wear, Esq., with the two following votes:

In Coun:

Voted, That Henry Newman, Esq., be the agent for this Province, and that Saml Penhallow, Mark Hunking and George Jaffrey, Esqs., be of a Committee from the board, to joyn with such as may be chosen by the house of representatives, to draw up instructions(1) to the said Henry Newman, Esq., accordingly.

April 30th, 1720.

Richard Waldron, Cler. Con.

In the House of Represen^{ts}.

Read & concurred with all.

Henry Sherburn, Cler. Assem.

(1)[Letter of Instructions to Henry Newman, Esq., copied from Journal of the House.]

Portsmo, N. Hampr.,
N. Engld., July 22, 1720.

Mr. Henry Newman:

Sir: — The affairs of this Government frequently requiring the solicitations of some Persons att Court, our General Assembly in May last made choice of you to be their Agent for that end; and as an earnest of their respects & for your Encouragement, did then vote you one hundred pounds this money, which presume his Excellency Governour Shute has heretofore advised you of; as alsoe the Lt. Governour.

Sr. There has been a long dispute between this & the Massachusetts Government about the Dividing line, and several commissioners have sundry times been appointed by both to settle itt; butt hitherto could never be effected by them; which proves injurious to many persons thatt inhabitt on or near ye Line, who have been obliged to pay taxes to both Governments; wherefore, that itt may be finally ended, and these greivances redressed, since the Government here can't doe it themselves, that matter is now to be submitted to his Majesty in Council or Lords Commissioners of trade and Plantations; and in order thereto, you have herewith a Commission from this Government, TO IMPOWER you our Agent, and accordingly you are desired to lay ye affair before them as may be proper, so soon as conveniently may be, and that there may be a right apprehension of ye matter, you have herewith a Mapp or Draught, which you may Depend is very exact & correct. [The

Voted, That Mr. Speaker, Maj. Jno. Gillman & Henry Sherburn be of ye committee from this House to joyn ye committee above-said. Henry Sherburn, Cler. Assem.

The extent of this Prov: is all the land between ye Massachusetts and Prov: of Main; our south bounds is three miles North from ye mouth of Merrimack River, att the Atlantick Ocean or Western sea, and from thence a West line into the Main so far as the Massachusetts extends. Our North line or Bound is Piscataqua River, untill itt come to ye head of Newichanack river, and from thence a very few degrees Westward of ye North, up into ye Main Land, as on ye Southern line, which bounds are prickt out on ye Mapp; and we conceive agreeable to ye Royall Charter granted to Massachusetts, butt the commissioners of that Government have always insisted on other Lines, as are also marked out on ye Draught, which if granted to them, would render this Prov: a very little one indeed.

Whereas his Majesty has lately Prohibited any imposition of Impost or powder-money on the Merchants' ships trading here, belonging to Great Brittain, which formerly supplyed the usual expence of our Castle, and the stock being now very low, you are desired to lay that matter before ye proper board, in order to obtain ye Royall bounty therein, and you are to be vigilent in diligently enquiring into all complts. that may [be] made agst. this present Government, and in persuing every thing thatt may be promoted for ye generall bennifitt of this Plantation: Espetially, that the Lumber from hence may be imported into Great Brittain free of Duty, and the Bounty continued in Navall Stores, that the forging of Iron here may not be obstructed, but encouragement may be granted for raising hemp and Flax, which if pursued, this country might in a little time furnish the Crown with a considerable supply; that the surveyor Generl. of ye Woods may be directed to preserve ye Mast trees after a better manner, and nott suffered to obstruct his Majestie's subjects from getting such Timber from thence as is nott, nor never will be, fitt for the service of ye Crown, — of which there are multitudes of trees that are rotting on ye Ground, that might make good Lumber, fitt for ye London or West India Marketts, by ye *latch* [?] of which a considerable Revenue ariseth to the Crown.

We desire you will acquaint us from time to time of your proceedings in ye premises; and salute you with greatt Respects as a Committee of this Government, and are, Sir, your very Humble Servants.

[Not signed.]

[From MS. correspondence, Secy's Office.]

July 20, 1720.

Sir, — It's probable that long ere now ye have heard the debate that has hap'ned between this and the Massachuset Province, abt. the Dividing line; and having had so large Experience of your favour in serving us, doe think it incumbent of making all suitable returns of dutyes and gratitude, and should still esteem you the most suitable person of making our application to, were it not that you are so immediately interested in the other Province: Wherefore, wee thought meet to acquaint you, that wee have now writt Mr. Newman, to solicite our affair, and to lay a representation thereof, before the Lords of Trade, &c.

Our Lt. Govr. very heartily salutes you, and so doe all our Gentn; more particularly, Sir, &c.

Yor most humble
and most obdt. Servts.,

Joshua Peirce, Saml. Penhallow,
Henry Sherburn, Geo. Jaffreys.

JER: DUMMER, Esq.

Voted, That the Lt. Govr be presented with the Excise of the Province ye year following.

Henry Sherburn, Cler. Assem:

April 30th, 1720.

In Coun:

Read & concurred.

Richd Waldron, Cler. Con.

April 30th, 1720.

Adjorned to the 24th of May next.

[P. 154.] Pro: N. Hamp^{r}.

At a General Assem. (1) held at Portsm^{o}, by adjornm^{t}, May 24, 1720.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, George Jaffry, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Adjorned till 3 o'clock P. M.

Pro: N. Hamp^{r}.

Mett again according to adjornm^{t}.

Present in Coun: as Before.

Also, Thom^{s} Packer, Esq.

The petition of John and Nicholas Meed, in behalf of their father, Nicholas Meed, in prison upon Execution for money due to the treasury, praying his release upon such terms & conditions as in the said petition is exprest, was read at the board and sent down to the house by George Jaffry, Esq.

The petition of Clement Hughes and Henry Sherburn, p'ferred last sessions, in behalf of themselves and sundry others, praying for a Township at a place called Cheshire, read at ye board; also, another petition of sundry p'sons of Exeter & Haverhill, praying to be joyned wth the first petitioners in the settlement of the township, was read as on file.

Adjorned till tomorrow, 9 o'clock A. M.

(1) [From Journal of the House.]

May 24, 1720. Ye House mett according to ye Prorogation & Adjornmt.

Present, Mr. Speaker,

Left. Denick, Mr. Jo. Dam, Capt. Tibbetts, Hen. Sherburne, Daniel Greenough, Coll. Wear, Maj. Gillman, Capt. Odihorn, Esq., Saml Eastman, Capt. Wigene,

Capt. Jo. Gillman.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}, by adjornm^{t}, May 25, 1720.

Present in Coun:

His Hon. John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Richd Wibird, } Esqs.

Thom^{s} Westbrook, Esq.

The petition of Mr. Robert Auchmuty, in behalf of Wm. Stiles and comp^{a}, to bring forward an appeal agst Col. Waldron, [P. 155.] before the Govr & Council, read and sent down to ye house of represent^{s} by Thomas Westbrook, Esq., and ordered that the said Col. Waldron be notifyed of said petition, and to give his attendance at the Council board tomorrow at ten o'clock before noon.

A message to the board, by Capt. Samuel Tibbetts and Capt. John Gilman, reporting that Capt. Daniel Greenough was returned to serve as a member in the house of representatives for the town of N. Castle, in the room of Capt. Hugh Reed, lately departed out of the Province, and praying that the said Greenough might be qualifyed; before which his Hon^{r} was pleased to appoint Mark Hunking and Richard Wibird, Esqs., to administer the oathes in that case required by the Law;—which was done accordingly.

The petition of Saml Easman, Esq., praying that an order of ye Quarter Sessions relating to Kingston might be cancelled and nullifyed, for reason therein set forth, read at this board.

Ordered, That the line from the head of Stratham to the south tree between Hampton and Exeter, be run within ten days, and that the select men of Exeter, & of ye new Parish of Hampton, cause this order to be executed, and that they report their doings to the Lieut. Govr, within the space above limited.

Richd Waldron, Cler. Con.

A message to the House by the Clerk of the Council wth a printed paper containing Rules for making hemp,—which had been read at ye Board, and which the Lt. Govr and Council were pleased to recommend to the house in order to their encouraging the raising hemp in this Province.

Samuel Penhallow and Mark Hunking, Esqs., made report to the board that they had proportioned the town of Kingston in the Prov. tax, pursuant to a vote of Genl Assembly in April last;—which was read and accepted, & sent down to ye house by Samuel Penhallow, Esq.

The Committee appointed to proportion the Isles of Shoales in

the Prov. tax, made Report, which was read, accepted and sent down to the House pr. Rich[d] Wibird, Esq.

[P. 156.] A message to the board by Capt. Henry Sherburn, with the report of the Committee appointed to proportion Isle of Shoales in the Province tax, and the votes thereon;—which report and votes are as follows:

Pursuant to an order of Gen[l] Assembly, 29th April, 1720, wherein we the subscribers were chosen a Committee to bring the town of Gosport, alias, the Isles of Shoales, into the Province tax.

We, having made the best calculation we could, suppose it reasonable that the aboves[d] town of Gosport, alias the Isles of Shoales, do pay, as their proportion, after the rate of twenty pounds in every thousand pounds raised in the province; and so in proportion for greater or lesser sums—humbly submitting it to y[e] hon[ble] the Gen[l] Assem.

Rich[d] Wibird,
Thom[s] Packer,
Josh[a] Peirce,
Eph[a] Dennet.

In Coun.

The foregoing report laid before this board was read, accepted and voted to be confirmed.

May 25, 1720. Rich[d] Waldron, Cler. Con.

Read in house of Represent[s], and voted a concurrence.

Henry Sherburn, Cler. Assem.

25th May, 1720.

A message to the house by the clerk of the Council, with the petition of Sam[l] Easman, Esq., read at the board this day and vote thereon.

Adjorned to 3 o'clock, P. M.

Pro: N. Hamp[r]. Mett again according to adjournment.

[P. 157.] Present as Before.

A message to the board by Peter Wear, Esq., praying that the Treasurer's Accounts and the Report of the Committee of Audit might be sent down and laid before the house, and also the Account of the Grand Committee appointed to lett out the fifteen thousand pounds, &c.

A bill entituled An Act for the settlem[t] of the Parishes at Portsmouth, read twice at y[e] board and voted to be enacted and sent

down for concurrence, by George Jaffry and Richd Wibird, Esqs.

The petition of Richard Jose, praying a salary as prison-keeper, read at the board and sent down by the Clerk of ye Council.

Adjorned till to-morrow, 9 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, May 26, 1720.

Present in Coun.,

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^{s} Westbrook,	

A message to the board by Capt. Saml Tibbetts—with the petition of John and Joseph Meed, in behalf of their father, and the vote of the house thereon;—the petition is on file, and the votes as follows:

In the House of Represen^{ts}

Upon reading the Petition of John and Joseph Meed,

Ordered, That Nicholas Meed, the father of the petitioners, be discharged out of prison on condition That the said John and Joseph Meed give good and sufficient security to the satisfaction of the Genl Assem. to pay yearly and every year, the sum of thirteen pounds, six shillings and eight pence, [P. 158.] for the use of the Province for fifteen years ensuing, or till they have discharged two hundred pounds together with prison fees.

Henry Sherburn, Cler. Assem.

24th May, 1720.

In Coun.

May 26, 1720. Voted a concurrence.

Richd Waldron, Cler. Con.

A message to the board by Capt. Samuel Tibbits with a vote from the house for taxing Kingston, &c., which vote was read at the board and sent back to the house by George Jaffry and Thom^{s} Westbrook, Esq., to be considered.

A message to the board by Capt. Tibbits, with the printed papers, entituled, Rules for raising hemp,—sent down yesterday. By the same message the following vote:

Voted, That Maj. John Gillman and Capt. Andrew Wiggin, Esq., be a Committee from this house to joyn with two of the Council, to form an Act for strengthening of a vote past in the

General Assem., October ye 8th, 1717, relating to the two parishes in Portsmouth.

May 24th, 1720. Henry Sherburn, Cler. Assem.

In Council.

May 26, 1720.

Voted a concurrence, and Geo. Jaffry and Richd Wibird, Esqs., appointed from the board for the service above.

Richd Waldron, Cler. Con.

Mr. Auchmuty appeared at the board and prayed to be heard upon his petition preferred yesterday, in behalf of Wm. Stiles and comp^{s}.

Ordered, That the hearing upon said petition be suspended till October next.

[P.159.] A message to the board by Capt. Gillman, with the following vote:

Voted, That a Committee be chosen of the Upper house to joyn with the Committee of this house to burn what bank money now lyes in the hand of the General Committee, and that Maj^{r} John Gillman and Mr. Dennet, Mr. Greenough, is a committee from this house for the end abovesaid.

May 25th, 1720. Henry Sherburn, Cler. Assem.

In Council.

Concurred, and Voted, That Mark Hunking, Geo. Jaffrey & Richd Wibird, Esq., be of ye Committee from the board to joyn in the affair abovesaid.

May 26th, 1720. Richd Waldron, Cler. Con.

A message to the board by Capt. Gillman, with the petition of Saml Easman, Esq., praying that an order of the Quarter sessions may be nullifyed for reasons therein set forth, as on file, together with the vote of the house upon said petition as follows:

May 26, 1720. Voted, that the case between Hampton and Kingston be brought on again to the next Q^{r} sessions for a second hearing between Town and Town, and that each Town be notifyed accordingly.

Henry Sherburn, Cler. Assem.

In Coun:

Eodem die. Concurred. Richd Waldron, Cler. Con.

A message to the board, by Capt. Tibbitts, wth ye following:

Voted, That Mr. Nicholas Meed be lett out of prison, having given in security by his two sons, to satisfaction.

May 26, 1720. Henry Sherburn, Cler. Assem.

In Coun.

Eodem die. Concurred.

Richd Waldron, Cler. Con.

Adjorned till 3 o'clock, P. M.

[P. 160.] Mett again according to adjournment.

Present in Coun:

As Before.

A message to the board by Capt. Gillman with the following vote:

Voted, That Kingston be now brought into the Province tax for fifty pounds in a thousand pounds prov: tax, and so in proportion, be it more or less: and that the Treasurer issue out his warrant for raising said proportion on Kingston, to be paid into the Treasury at the seasons stated by the law, for the other towns of this Province, and that the Treasurer account wth the General Assembly for the same.

May 25, 1720. Henry Sherburn, Cler. Assem.

In Coun:

Voted a concurrence with the foregoing votes.

May 26, 1720. Richard Waldron, Cler. Con.

The petition of Elis^{a} Sloper read at the board, and ordered, That the consideration thereof be suspended till tomorrow, 11 o'clock, A. M., and that Henry Sloper be notifyed of said petition, and to give his attend^{a} at ye time prefixt.

MEMORANDUM. That this day was burnt to ashes nine hundred and eighteen pounds, eight shillings & nine pence, in view of the General Assem: it being so much of the fifteen thousand pounds last imprest, delivered in by the Grand Committee of which s^{d} sum of £918: 8^{s}: 9^{d} the said Grand Committee are hereby discharged.

Richd Waldron, Cler. Con.

[P. 161.] A message to the board by Mr. Dennet, wth the bill entituled an Act for the settlement of the Parishes of the Town of Portsmouth, informing, That the house concurred wth the Council that the s^{d} bill be enacted.

The petition of Richd Jose sent down yesterday, returned by he same message without any vote.

A message to the board by Mr. Dennet, wth the following vote:

Voted, That Maj. John Gillman's logg-house by the bridge be a publick license house for entertainment, paying as other publick houses in the Prov: do.

May 26: 1720. Henry Sherburn, Cler. Assem.

In Coun:

Eodem die—concurred. Richd Waldron, Cler. Con.

Adjourned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^r^.

At a General Assem: held at Portsm^o^ by adjornm^t^, May 27, 1720.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. George Jaffrey, Shad. Walton, } Esqs.

The petition of Elis^a^ Sloper read at the board yesterday, sent down to the house of Representatives by ye clerk of ye Coun:

A message to the House by Geo: Jaffrey, Esq., wth a vote of Council, to desire the Lieut. Govr to meet ye Ind^ns^ at Winter Harbour,(1) which vote was returned to the board by Capt. Daniel Greenough—concurred with in the House, and is as follows:

In Coun:

Voted, That his Honour the Lieut. Governour be desired to go as far as Winter Harbour to meet the Delegates of the Indians that shall [P. 162.] be appointed to negotiate the affair of giving satisfaction to the said Indians, for the supposed murther of an Indian man, Hannock, one of their tribe, and that one or two members of the board, and as many of the House, be desired to accompany the said Lieut. Govr(2) on the said affair; and that

(1) In the State of Maine, near the Saco river.

(2) [The following letter shows that Lt. Gov. Wentworth did not visit the Indians but committed the negotiation to others.—ED.]

To Messrs. John Giles and Saml Jordan:

You are hereby impowered to treat with the chiefs of ye Indians, in behalf of this Governmt in relation to the Indian Hannock that was missing in this Province, and let them know that as it was transacted here, Gov. Shute has left the matter to Govr. Wentworth, &c., to settle it with them; and accordingly, you are on the best and easiest tearms you can, to accommodate the affair, so as that there may be no longer a heart burning among the Indians about it; that peace and friendship may be continued with them. By agreeing with them the sum that shall be acceptable, wch shall be layd out here to yr best advantage in such comodities as will suit them best and sent to them: I am of opinion thirty pounds will be enough, but you are not to

the charges of the negotiation be defrayed out of the Treasury.

May 26th, 1720. Richd Waldron, Cler. Coun.

Read and concurred withal.

May 27th, 1720. Henry Sherburn, Cler. Assem.

The petition of Jotham Odiorne, John Sherburn and John Leach, as read & minited the 29th day of April last, again read at ye board.

A message to the board by Mr. Dennet, praying a conference (upon Elisa Sloper's petition, p'ferred yesterday), which was granted, and the Speaker and house came up to the board accordingly; and upon discoursing the matter it was resolved, That the hearing upon the said petition be suspended till ye next sessions.

Adjorned till 3 o'clock, P. M.

Pro: N. Hampr. Mett again according to adjournmt.

Present as Before.

The bill entituled an Act for the settlemênt of the parishes of the town of Portsmouth, being past, was this day signed & sealed at ye board.

Adjorned till tomorrow, 8 o'clock A. M.

offer more than forty: it having cost a very great sum in apprehending and prosecuting the fellow suppo'd to be Guilty of ye murder. You are to manage ye affair wth ye most prudence and good conduct you can. So depending on your integrity, ye affair is left with you as above.

I expect to see Mr. Jordan at Portsmo as soon as the affair is finished, in ordr to have an acct. of ye proceeding. If you think it proper you may read any part of this letter to ye Indians: otherwise not.

I am yr friend.

[Without signature, but indorsed,]
'Instructions to Jno. Giles & Saml
Jordan, abt ye Indian Hannock,
April, 1720."

The letter is superscribed,

"The Honble John Wentworth, Esq.,
Lt. Govr of New Hampshire,
or in his absence to
Saml. Penhallow, Esq."

[NOTE.—Appended to the above letter is the following:]

Sagmores & friends:

Abt 5 weeks since I wrote you at large in relation to Hannock, one of yor tribe, who is supposed to be lost: but notwithstanding our care in prosecuting ye offendr, we are informed that you are still uneasy; whereupon by ye advice and direction of Gov. Shute, I have ordered Capt. Giles and Wm. Jordan to treat with you of, knowing what is necessary on such occasions, wch we are always ready to comply wth, for cultivating a good harmony and correspondence wth you: assuring you that what agreemt you make shall be performed by me, who am

Yor loving friend

Jno. Wentworth.

—*From MS. correspondence in Sec.'s Office.*

[P.163.] Pro: N. Hamp^{r}.

At a General Assem: held at Portsm^{o} by adjourm^{t} May 28th, 1720.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

A message to the board by Mr. Dam with the following votes:

Voted, That all accounts relating to this province shall be sworn to, To be a just account, from this time forward.

Henry Sherburn, Cler. Assem.

In Coun:

Eodem die. Voted a concurrence.

Richd Waldron, Cler. Con.

Voted, That the town of Gosport pay their proportion of their province tax into the province Treasury; and it is ordered, That the Treasurer pay twelve pounds of that proportion to the town of N. Castle annually, until there be a new proportion throughout ye Province.

May 28th, 1720. Henry Sherburn, Cler. Assem.

In Coun:

Eodem die, Concurred.

Richd Waldron, Cler. Con.

Voted, that Mr. Eph^{a} Dennett and Henry Sherburn be a Committee from this house to joyn wth such as shall be chosen by the upper house, to Renew Col. Vaughan's, Capt. Wibird's and Col. Walton's bonds, being so much mony lent them out of the Treasury in 1716; and y^{t} they shall have full power in case of any refusal to prosecute them as the Law directs.

April 20, 1720. Henry Sherburn, Cler. Assem.

[P. 164.] In Coun:

May 28th, 1720. Concurred, and Geo. Jaffrey and Thos Packer, Esq., appointed by ye board for ye service above.

Richd Waldron, Cler. Con.

A message to the board by Mr. Dennet wth the report of the Committee of Auditt, and vote thereon as follows:

We the subscribers being a Committee appointed by the General Assembly to auditt the publick accounts of the province of N. Hampshire, have strictly examined the same, and do find that there is justly due from the Treasury the several sums hereafter mentioned, as they are sett against the p'sons names (viz.):

No.				
1.	Col° Packer's acc^t for 1718 & 1719	£7:	4:	5
2.	Willm Fellow's acc^t for 1719	2:	15:	3
3.	Joseph Smal's acc^t for 1719	1:	2:	4
4.	Lt. Govr Wentworth for 1719	14:	15:	0
5.	James Jeffry, for 1719, being ye ballance for running the line	17:	19:	0
6.	James Jeffry for 3 draughts of Merrimack	4:	10:	0
7.	John Mardin for 1719	7:	12:	0
8.	Prison acc^t for 1719	433:	9:	5
9.	Clerk of ye Council for 1719	60:	0:	0
10.	Clerk of ye Coun: remaining due for 1718	10:	0:	0
		£559:	7:	5

Ballance Due from the Treasurer, as by his General Account, dated May 24th, 1720 . . . £197: 16: 1

Josh^a Peirce, Mark Hunking,
Jotham Odiorne, Richd Wibird.

[P. 165.] In the House of Represent^s.

Voted, That the Report of the Committee of Auditt laid before this house this sessions be accepted, and that the Govern^r be desired to issue out his warrants to the Treasurer for the payment of the several sums therein mentioned in course.

May 28th, 1720. Henry Sherburn, Cler. Assem.

In Coun:

Eodem die. Concurred.

Richd Waldron, Cler. Con.

Mr. Dennet brought the account of John Hinkes, Esq., to the board, as on file.

Prorogued to Tuesday, the 23^d day of August next.

Pro: N. Hamp^r.

At a General Assembly held at Portsmouth, by prorogation, August 23^d, 1720.

Present in Coun:

His Excellency Samuel Shute, Esq., Govr,
His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs.
Shad. Walton, Richd Wibird, Thom^s Packer, } Esqs.

A message from his Excellency the Govr by the clerk of y^e

Coun: to the house of representatives (1) requiring their attendance at the board; the Speaker and house attended accordingly, and his Excellency was pleased to make the following speech:

Gent.—Having nothing to acquaint you with from the Court of Great Brittain, I shall ouely reccommend to you the dispatch of the matters that shall come before you, that shall [P. 166] be thought necessary to be done for the service of the Province at this sessions.

The Petition of William Stiles and company, praying an Act may be past to enable them to bring forward an appeal ag^st Col. Waldron, wch was preferred in May last, and ye consideration thereof suspended, was again read at ye board, and sent to the house by the clerk of ye Council.

Adjorned till tomorrow, 9 o'clock, A. M.

Pro: N. Hamp^r.

At a General Assembly held at Portsm^o by adjornm^t August 24th, 1720.

Present in Coun:

His Excellency Samuel Shute, Esq., Govr,
Geo. Jaffrey, Richd Wibird, Shad. Walton, Esqs.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^r. Mett again according to adjornment.

Present as Before.

Also his Hon^r Lieut. Govr Wentworth, Saml Penhallow, Mark Hunking & Thos Packer, Esqs.

The petition of John Calf & Comp^a p'ferred to this board praying for a township above Exeter was read.

Adjorned till tomorrow, 10 o'clock, A. M.

(1) [From the Journal of the House.]

23d of Augt., 1720. This house met according to adjornmt & Prorogation.

Present,

Mr. Speaker Pears,

Capt. Wigens,	Col. Davis,
Capt. Gilman,	Maj. Wier,
Mr. Denick,	Judge Odiorne,
Mr. Dam,	Maj. Gilman,
Capt. Greno,	Hen: Sherburn, Clk.

[P. 170.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by adjournm^{t} Aug. 27, 1720.

Present in Coun:

His Excellency Saml Shute, Esq., Govern^{r},

His Hon^{r} Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs.

Shad. Walton, Richd Wibird, Thom^{s} Westbrook, } Esqs.

Thom^{s} Packer, Esq.

A message to this board by Capt. Odiorne and four other members of the house, wth the following vote:

Voted, That his Excellency be presented with one hundred pounds to be paid out of the treasury when brought in.

Henry Sherburn, Cler. Assem.

In Coun:

Aug. 27, 1720, Concurred.

Richd Waldron, Cler. Con.

A message to the House by the clerk of the Council, informing them that his Excellency had laid before the board a petition signed by Capt. Pickering and several others, containing reflections on the Government, with a vote of the Council in relation thereto: which petition was sent to the house by Geo. Jaffrey, Esq.

A message to the house from his Excellency, pr. Col. Walton, to inquire whether they had concurred wth ye Council vote relating to Pickering's petition, and to direct them to return the said vote.

A message to the board by Capt. Odiorne and Capt. Gillman with the following vote:

In Coun:

Voted, That the petition of Pickerin, Walker, &c., directed to his Excellency, dated ye 27th [P. 171.] instant, is highly scandalous, reflecting on the General Assembly of this province, and that the subscribers thereto be summoned to answer for the same, and punished accordingly.

Augst 27th, 1720. Richd Waldron, Cler. Coun.

Read & Concurred wthall. Henry Sherburn, Cler. Assem.

In Coun:

Ordered; That the Clerk issue out summonses to Capt. Pickerin and the several other subscribers to a petition this day laid before the board by his Excel^{y} the Govr to appear at the board at 4 o'clock P. M., to answer for signing to such scandalous reflections on the General Assembly, as are contained therein.

Adjorned to 4 o'clock, P. M.

Pro: N. Hamp^{d}. Mett again according to adjornment.

Present in Coun:

As Before.

John Jackson, Solomon Cotton, Stephen Greenleaf, Saml Banfield, Abraham Jones, Wm. Hunking, Richd Shortridge, Peter Ball, John Pickerin & Jno. Abbot, appearing at ye board according to summon, and being examined severally about signing a petition this day presented to the Governour, each owned the fact, whereupon it was

In Coun:

Ordered, That John Abbot, John Jackson, John Pickerin, Solomon Cotton, Stephen Greenleaf, Samuel Banfield, Abraham Jones, Wm. Hunking, Richd Shortridge and Peter Ball, enter into recognizance to his Majesty, in the sum of £100 each, with two sureties, to be of good behaviour till the sessions of General Assembly in *May* next, and then to answer for signing a scandalous paper containing [P. 172.] open and vile reflections upon the Legislature of this province, and this day presented his Excellency, as on file, paying fees, and that they stand committed till sentence be complyed with.

Richd Waldron, Cler. Con.

The above p'sons recognized according to ordr, each for himself severally, as principal, and for one another jointly as sureties.

Recognis^{e} discharged.
R. Waldron, Cler. Con. } Richd Waldron, Cler. Con.

Adjorned to the 27th day of September, 1721.

Pro: N. Hamp^{r}.

At a Coun: held at Portsm^{o}
Augst 31st, 1720.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Geo. Jaffrey, } Esqs. Richd Wibird, Thom^{s} Packer, } Esqs.

Geo. Walker, Eph^{s} Jackson and Charles Banfield appearing at ye Council board according to summon, and being examined about signing a petition presented the Govr on Saturday last, owned the fact; whereupon it was

In Coun:

Ordered, That George Walker, Eph^{s} Jackson, and Cha: Banfield recognize to his Majesty in the sum of £100 each, with sureties, to be of good behaviour, till the sessions of General Assem-

bly in May next, and then to answer for signing a paper containing scandalous reflections on the Government, paying fees, and that they stand committed till sentence is complyed with.

Rich[d] Waldron, Cler. Con.

The said George Walker, Eph[a] Jackson, and Cha: Banfield recognized according to order each for himself severally & joyntly for one another as suretys.

[P. 173.] Recognis. discharged. }
R. Waldron, Cl. Con. }

Rich[d] Waldron, Cler Con.

The General Assembly stands
Prorogued, as Before, to 7[br] 27th, 1720.

Prorogued to November, 1720.

To February, 1720–1.

Prorogued to the Eighteenth
day of April, 1721.

[P. 174.] Pro: N. Hamp[r].

At a General Assembly held at Portsmouth,
by prorogation, April 18th, 1721.

Present in Coun:

His Excellency Sam[l] Shute, Esq., Gov[r],
His Hon[r] Jno. Wentworth, Esq., Lt. Gov[r],

Sam[l] Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richard Wibird,	
Geo. Jaffrey,		Thom[s] Packer,	

A message to the House (1) by the Clerk of the Council to re-

(1) [From Journal of the House.]

18 of April, 1721. The house met according to prorogation.

Present, Mr. Speaker Peirce.

John Dam,	Majr. Gillman,
Mr. Eastman,	Capt. Gillman,
Eph. Dennet,	Coll. Wiear,
	Capt. Odiorn,
	Cap: Greenough.

In ye house of Representatives.

Votd, Yt Capt. Eph: Dennet be Clark of this house til farther order.

quire their attendance at the board, the Speaker and house came accordingly, and his Excellency was pleased to make the following Speech:

Gent:—Being informed by the Governour of Nova Scotia, that contrary to the Treaty of Nutrality stipulated between the two Crowns of Great Brittain and France, there has been an illegal trade for many years carryed on betwixt his Majestys subjects of New England and the French settlements near Cape Briton, and also, if we had not sent them necessary supplys they could not have continued in those parts: I am therefore of the opinion that it will be for the honour and service of his Majesty's Government to make an Act to prevent any such illegal trade for ye future.

The wicked practice of counterfeiting the Prov: bills prevailing very much amongst us, I must recommend it to you as the most effectual way to putt a stop to it for time to come, to make it felony, by a law which I hope will have the desired effect.

Gen^t. It you have any thing else to propose that may be of service to the Province, I shall be ready to give it due consideration.

[P. 175.] The Speaker prayed a copy of his Excellency's speech, & then he and the house withdrew to their own chamb^r; and thereupon his Excellency directed the Clerk to transcribe his speech and serve the house wth a copy thereof immediately, which was done accordingly.

A message to the board by Capt. Gillman, with a vote for a Committee of Auditt, which was concurred with and is as follows:

Voted, That Col. Wear, Maj^r Gillman & Capt. Odiorne, be a Committee from this house to joyn with such as shall be chosen in the upper house for this year, to auditt the publick accounts of this province, and that they make return thereof to this house.

Eph^a Dennet, Cler. Assem.

In Coun:

Eodem die. Concurred and Voted, that Col. Hunking, Geo. Jaffrey and Richd Wibird, Esqs., be of the Committee from the board to joyn in the affair above mentioned.

Richd Waldron, Cler. Con.

Adjourned till tomorrow, 9 o'clock A. M.

Pro: N. Hamp^r.

At a General Assembly held at Portsm^o by adjornm^t April 19, 1721.

Present in Coun:

His Excellency Samuel Shute, Esq., Govr,

His Hon^r John Wentworth, Esq., Lt. Govr,

Sam[l] Penhallow, Mark Hunking, Geo: Jaffry, } Esqs. Shad. Walton, Richard Wibird, Thom[s] Westbrook, } Esqs.

Thom[s] Packer, Esq.

A message to the board by Capt. Greenough, wth the following:

[P. 176.] The house being informed by a letter or memorial from Mr. Recorder Penhallow, That there are several files in his office promiscuously bound up that belong to other offices, and also many papers of publick and personal concern in the hands of Madam Story, and some Entrys of Deeds, &c., in the Register's office; upon which we are of opinion, that it is necessary for the Gen[l] Assem: to appoint a Committee to examin into these affairs, and to dispose of all papers into their proper offices:

Voted, That Mr. Speaker Peirce and Jotham Odiorne, Esq., be of the Committee from this house to joyn such as may be chosen of y[e] ends abovesaid.

Eph[a] Dennet, Cler. Assem.

19 April, 1721. Read three times and sent up for concurrence.

In Coun:

Eodem die. Read and concurred, and voted, That Thomas Westbrook & Thom[s] Packer, Esqs., be of the Committee from the board for the service above.

Rich[d] Waldron, Cler. Con.

Adjorned till 3 o'clock P. M.

Pro: N. Hamp[r]. Mett again according to adjornment.

Present as Before.

The petition of the Inhabitants of Nutfield, preferred by Mr. McGregore,(1) praying to have some bills of creditt lent them without interest, &c., was read at the board, as on file.

A message to the board by Mr. John Dam, wth the following vote:

Whereas the Act for the Encouragement of sowing and curing hemp being near expired:

(1)Probably Rev. James McGregore, who was the first minister of the settlers of Nutfield. He arrived in Boston with about one hundred families from the North of Ireland, Oct 14, 1718. Mr. McGregore preached a short time after his arrival at Dracut; but as soon as the settlement was made at Nutfield, he was called to be their minister. "He was a wise, affectionate and faithful guide to his people both in civil and religious concerns." He died March 5, 1729, aged fifty-two years.—*Allen's Biog. Dic.*

[P. 177.] Voted, That The said act be revived and continued three years after the determination of said Act (1).

Eph^a Dennet, Cler. Assem.

In Coun:

April 19th, 1721. Concurred.

Richard Waldron, Cler. Coun.

Adjorned to Fryday next, 10 o'clock A. M.

Pro: N. Hamp^r.

At a General Assem. held at Portsmouth by adjornment, April 21st, 1721.

Present in Coun:

His Excellency Saml Shute, Esq., Govr,

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Richd Wibird,	Esqs.
Mark Hunking,		Thom^s Westbrook,	
Shad. Walton,		Thos Packer,	

A petition signed by about one hundred p'sons was preferred to this board by Messrs. Ezekiel Walker, John Calf and Elisha Story, praying for liberty and encouragement to settle a town on a certain tract of land northwestward from Exeter, lying partly between Cheshire and New Portsmouth, and partly above New Portsmouth adjoining to Cheshire line, containing the quantity of ten miles square, upon such conditions as in said petitions, on file, is contained; whereupon it is

In Coun:

Ordered, That the petitioners have liberty to build & settle upon the said tract of land, upon the conditions in said petition

(1) [From Journal of the House.]

April 19, 1721. Whereas there is a Law obliging every town within this Province, consisting of one hundred families, to be provided with a Grammer School, and there being so much time given in the Law as six months before ye Penalty of the Law takes effect from year to year causes a great neglect, which is much to the damage of every such Town:

Voted, That each Town and Parish within this Province, consisting of one hundred families, be constantly provided with a good Grammer School; and the selectmen of each town for ye time being to be obliged to procure and provide sd schools, and in case of their neglect for ye space of one month after ye publication hereof, shall forfeit and pay ye sum of twenty pounds, to be applyed to defray ye Prov: charge.

Eph. Dennet, Clark.

21 April.

Voted, That Major Gillman and Cap: Odiorn be a Committee from this house to joyn with Saml. Penhallow and Tho. Westbrook, Esqs., of ye Upper house, to draw up the above sd Act relating to the Scholl.

mentioned, provided it no way infringe on or interfere with any former grants, possessions or propertys.

Richard Waldron, Cler. Con.

Robert Armstrong, Esq., Dept. Surveyor, being sent for appeared at the board, of whom his Excellency demanded an account of the strey and wast of the pine Timber which is reported to have been lately committed in the King's woods, and directed [P. 178.] him forthwith strictly to examin that matter, that the truth thereof may appear upon oath.

In Coun: as Supream Probate.

Sam[l] Penhallow, Esq., in the capacity of Adm[r] on the Estate of John Cutt of Portsm[o] deceased, made a motion at the board, That Eliz[a] Brian, the widow of the deceased, was administratrix with him, and refused to act with him as such, whereby the settlement of the Intestate's Estate was retarded: upon which it is

Ordered, That the said Eliz[a] Brian be cited to appear at the board on Monday next, at 10 o'clock A. M., to show cause why she does not proceed in the administration aforesaid; and upon her refusal to appear, that another adm[r] be appointed in her room.

Rich[d] Waldron, Cler. Con.

A Petition directed to the General Assem: syned by James Jeffrey, by ord[r] of the selectmen, Attorney for the town of Portsmouth, praying for a re-hearing of a case about a highway(1) laid out through Mrs. Jose's land, read at this board, and ordered, That it be heard and considered tomorrow, at 10 o'clock A. M., and that other partys be notifyed to attend accordingly.

Rich[d] Waldron, Cler. Con.

A petition signed Thomas Phipps, praying for an ord[r] to revive a case between Thom[s] Palmer, Esq., and Capt. Eben[r] Wentworth, read at the board and sent down by the Clerk, with a vote of Council in relation thereto.

Adjorned till 3 o'clock, P. M.

(1) [From the Journal of the House.]

April 22. Whereas it appears to this house that it is highly necessary that there be one or more Genl officers chosen for surveying land within this province:

Voted, That his Excellency & ye Honble Board be desired to joyn with ye Representatives, in choosing a committee of both houses to forme a bill for regulating ye affaire:

& That the Highways in ye several towns wthin this Province may be repaired by labor under ye direction of surveyors, as formerly.

Voted, that an Act be made against Cards an Dice, and all other gaming in any Publick house within this Province, or any of the dependencys thereof.

Eph. Dennet, Cler. Assm.

[P. 179.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present as Before.

A message to the board by Capt. Tibbits, with a vote for a Committee to prepare a bill against any Illegal trade with Cape Briton, which was concurred with, and a Committee from the board appointed and sent down for concurrence.

The petition of John Knight, Moses Dam and Richard Downing, selectmen of Newington, directed to the Genl Assem: and preferred by Mr. Jno. Dam, praying for a dividing line between Portsmouth and said Newington, was read at the board.

The petition of William Wallis, Richd Jennis, and others, directed to the Genl Assem: praying for a Parish by metes and bounds, as therein exprest, namely, part of Portsm^{o}, part of New Castle, and part of Hampton, was read at the board, as on file.

A message to the board by Capt. Greenough, with the following votes:

Voted, That an Act be past to prevent the Illegal trade with Cape Briton, and that a Committee be chosen to draw a bill accordingly.

Eph^{a} Dennet, Cler. Assem.

Eodem die. In Coun:

Concurred, and voted, That Geo. Jaffrey and Thomas Packer, Esqs., be of the Committee to joyn such as may be chosen by the house, to prepare the said bill.

Richd Waldron, Cler. Con.

In the house of Represents.

Voted, That Capt. Wiggin and Mr. Dam be a Committee to joyn wth a Committee in the upper house to draw a bill relating to ye trade at Briton.

Eph^{a} Dennet, Cler. Assem.

Adjorned till tomorrow, 9 o'clock, A. M.

[P. 180.] Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by adjournm^{t}, April 22^{d}, 1721.

Present in Coun:

His Excellency Samuel Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thos Westbrook,	

A message to the board by Saml Easman, Esq., and Mr. John

Dam with ye votes of the house for preparing several bills, namely against gaming in publick houses, An addition to the Act about Grammar Schools, and concerning surveyors of highways:—which were read and concurred with, and sent down to the house, pr Saml Penhallow, Esq.

Mr. Justice Moody & Richd Yeaton, a selectman of Gospert, being summoned, appeared at the board, to show cause why the Treasurer's precept requiring an assessment on the Inhabitants of said Gospert has not hitherto been complyed with; and the s^d Yeaton presented a petition, signed by himself, in behalf of the Inhabitants of the said Town, containing several reasons for their neglect as before mentioned, and praying to be excused paying any Prov: tax at present, for the reasons therein exprest, as on file;—which being fully heard, it was considered by his Excellency and the honourable board, and Resolved, That the former ord^r of Genl Assem: be strictly attended, and that the selectmen and asses^rs of Gospert forthwith comply with the Treasurer's precept aforesaid, which they already have, and pay the sum therein mentioned by the tenth of June next; and so from time to time as they shall receive any other, and that the Selectmen pay thirty shill^gs to the office—being the charge of serving ye summon.

Richd Waldron, Cler. Con.

[P. 181.] The Selectmen of Portsmouth appeared at the Coun: board to prosecute their petition about Mrs. Jose's highway, preferred yesterday, and Mr. Pray(1) appeared to answer, and the argument on each side being fully heard, It is

Ordered, That the surveyors of highways to be chosen for the town of Portsmouth for ye present year, survey the highway mentioned in said petition, and report to the Govr and Council at the sessions of Genl Assembly in Autumn next how much land is contained in said way, and what the worth of said land is.

Richard Waldron, Cler. Con.

A message to the board by Capt. Tibbitts & Capt. Gillman, with two votes, one for striking & Issuing twenty thousand pounds bills of creditt, which was read and non concurred — *nemine contradicente* — and returned to the house by the Clerk of ye Council.

(1) John Pray seems to have been a lawyer of Portsmouth. In 1727, "an Inventory of the Polls and Estates of the Town of Portsmouth, was taken by Messrs. Stephen Greenleaf and John Pray, according to an order of Government."
—*Brewster's Rambles about Portsmouth*, p. 157.

The other a vote for recalling y^r souldery from the Eastw^d wch was concurred with and is as follows:

Voted, That the souldiers at the Eastward be brought home, and if there be occasion that they be improved in the frontiers of our own Province.

Eph^a Dennet, Clr. Assem.

In Coun:

April 22^d 1721. Concurred.

Richd Waldron, Cler. Con.

A message to the house by Saml Penhallow, Esq., with a vote of the board for preparing a bill against riotous & tumultuous(1) Assemblys &c.

Adjourned till Monday, 9 o'clock A. M.

[P. 181.] Pro: N. Hamp^r.

At a Genl Assem. held at Portsm^o by adjornm^t, April 24th 1721.

His Excellency Samuel Shute, Esq., Govr,
His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^s Westbrook,	

Geo. Jaffrey, Esq., from the Committee appointed to prepare a bill ag^st an illegal trade with Cape Breton, laid the said bill before the board, which had a first, second and third reading, and past to be ingrost, and voted to be sent down for concurrence by the Clerk.

The petition of John Sherburn, praying a Committee may be appointed to lay out some lands for him at New Castle, read at ye board.

The petition of John Knight, Moses Dam and Richd Downing, read the 21st inst., again read at the board.

Eliza Brian, Adminis^tr upon the Estate of John Cutt, deceased, being summoned, appeared at the board to show cause why she neglected to proceed in the administration with Saml Penhallow, Esq., as adm^tr wth her on the said Estate: upon hearing what she offered, it was Resolved,

(1) [From Journal of the house.]

April 22, 1721.

Voted, That an addition be made unto ye Act of Criminal offenders, to prevent Riots for the better preserving of the Peace within this Province.

In Coun: as ye Supream Probate,

That a third person be joyned with the said Saml Penhallow, Esq., & Eliz^a Brian, as adm^rs on the Estate aforesaid, and that the said Eliz^a Brian should have liberty to nominate the said third person, provided she did by 3 o'clock afternoon.

Richd Waldron, Cler. Con.

A message to the house by ye Cler. of ye Coun: with a vote for a Committee to prepare a bill limitting and ascertaining the price of Species for the next year, to be paid into ye treasury, which bill to be laid before the Genl Assem. next Autumn session.

[P. 182.] A message to the board by Col. Davis wth the bill ag^st an illegal trade with Cape Breton, concurred with in the house, and voted to be engrost.

A message to the house by the Clerk of ye Council with the petition of John Sherburn this day read at the board.

Adjourned till 3 o'clock P. M.

Pro: N. Hamp^r.

Mett according to adjournment.

Present as Before.

Ordered, that the Capt. of the Castle stop all vessels from Europe and the West Indies, that Inquiry may be made whether there be any infectious diseases on board, &c.

Richd Waldron, Cler. Con.

A message to the board by Capt. Tibbets and Mr. Dam, with the petition of John Sherburn sent down in the morning, and a vote thereon, namely, granting the prayer thereof: — which petition and vote are ordered to lye under consideration till next Autumn session.

A bill Entituled an additional Act to an Act for punishing criminal offenders, and for the further preventing tumults and riotous assem: laid before the board by Samuel Penhallow, Esq., read and past to be engrost.

A message to the board by Capt. Tibbetts & Mr. Dam, with the petition of Joseph Chesley, praying for an allowance out of the treasury, in consideration of his being wounded by John Davis, with a vote for granting the petitioner twenty pounds, which vote was non-concurred with & sent down to the house of Geo: Jaffry, Esq., by whom the petition was also returned.

[P. 183.] A message to the house by Thom^s Westbrook, Esq.,

with a vote for cutting a road from Cochecho to Winnipistioky pond.

Ordered, that the Postmaster be allowed three pounds out of the treasury for the service of the last year.

Adjourned till tomorrow,
half an hour after 8 o'clock, morning.

Pro: N. Hamp^{r}.

At a General Assem: held at Portsmouth
by adjournm^{t} April 25th, 1721.
Present in Coun:
His Excellency Samuel Shute, Esq., Govr,
His Hon^{r} John Wentworth, Esq., Lt. Govr,
Saml Penhallow, Mark Hunking, } Esqs. Shad. Walton, Richd Wibird, } Esqs.
Thom^{s} Westbrook, Esq.

A message to the board by Capt. Daniel Greenough, with the petition of Thomas Phipps, Esq., in behalf of Thomas Palmer, Esq., and vote thereon. The petition on file, and the vote as follows:

In Coun:

Voted, That the case formerly commenced by Thomas Palmer, Esq., versus Capt. Eben^{r} Wentworth, which was stopped by the not sitting of the Court of Appeals in Novem^{r} last, be revived and heard by the said court of Appeals, upon the first Wednesday of the session of the General Assem: in Autumn next; and that each party have twenty days' notice before the day of the Court's sitting.

April 21st, 1721. Ric^{d} Waldron, Cler. Con.

In the house of Represen^{ts}.

Read and voted a concurrence.

24th April, 1721. Eph^{a} Dennet, Cler. Assem.

[P. 184.] A message to the board by Capt. Greenough with a vote for granting John Hinks, Esq., fifteen pounds out of the treasury, which was read and non-concurred wth, and sent down to the house by the clerk of the Coun:

A message to the board by Capt. Tibbits with a bill entituled an act in addition to an act to prevent damage by horses, past to be engrost (1).

(1) [From Journal of the House.]

Whereas there is a Law in this Province which oblidgeth all horses and Hors kind to be kept in fetters from ye last of March to ye last of octo'r, which giveth a liberty of five months for those horses to trape over fences and tread and spoil our meadows, much to ye Damage of many people:

Sam[l] Penhallow laid before the board a bill entituled an Act for better regulating high wayes, which was read and past to be engrost, and sent down to the house for concurrence by the Clerk; and by the same, the bill against riotous assemblys, which past at y[e] board yesterday.

A message of the board to the House by the clerk with a vote for calling in all the fifteen shilling & fifteen penny bills.

Ordered, That Capt. Wibird be an adm[r] on the estate of John Cutt, deceased, to joyn with Samuel Penhallow, Esq., & Eliz[a] Brian, the adm[rs] already appointed for that Estate, and upon refusal of either of the partys to act, what the other two do, to be valid in law.

A message to the board by Mr. Dennet, wth the vote of Coun: for calling in y[e] fifteen shilling & fifteen penny bills, praying the said vote might be und[r] consideration till the next sessions.

A message to the house by Sam[l] Penhallow, Esq., with a vote for stopping a process brought by Capt. Henry Sherburn ag[st] him, the said Penhallow, in the capacity of adm[r] on the estate of John Cutt, deceased, which vote was brought back to the board by the said Samuel Penhallow, Esq., concurred wth in the house, & is as follows:

In Coun:

Voted, That the case depending between Capt. Henry Sherburn, plan[t] and Sam[l] Penhallow, Esq., in the capacity of Adm[r] on y[e] Estate of John Cutt, deceased, defend[t], which case is continued to the Inferiour Court in June next, be dismist at the said Court, and that the plan[t] may begin De novo, [P. 185.] for that Capt. Wibird is added by the Supream Probate, as an adm[r] on the aforesaid intestate's Estate.

April 25th, 1711. Rich[d] Waldron, Cler. Con.

In the House of Represen[ts].

Voted a concurrence.

Eph[a] Dennet, Cler. Assem.

Sam[l] Penhallow, Esq., brought to the board the bill ag[st] riotous & tumultuous Assem: which he informed he brought from the house, and that it was past there to be engrost.

A message from the board by Geo: Jaffrey, Esq., to the house,

Voted, That if any Horse or Horse kind be found at any time going at large without a sufficient pair of fetters, that they shall be pounded, and that the owner shall pay ye penalty of the Law, provided in ye former act.

Maj. Gillman & Capt. Odiorne be a Committee from this House to join with such as shall be chosen in the upper house for that end.

with a vote for a committee to make *tale* of the money to be burnt this year.

Adjorned till 3 o'clock, afternoon.

Pro: N. Hamp^{r}. Mett according to adjornment.
Present as Before, also
Thom^{s} Packer, Esq.

The petition of Jonathan Wiggin preferred by Capt. Phipps, praying for the privilege of the ferry, &c., on ye south side of Exeter river agst Capt. Hilton's, read at ye board, and ordered that the hearing and consideration of said petition be suspended till the next session of General Assembly, and that in the mean time the said Wiggin serve Richd Hilton, Esq., with a copy of the said petition and this order.

Richd Waldron, Cler. Con.

Saml Penhallow and Thom^{s} Westbrook, Esqs., from ye Committee, laid before the board two bills, entituled an Act for the preventing of Gaming in publick houses, and an Act in addition to the Act for ye settlement and support of Grammar Schools, which were read at ye board and past to be engrost, and sent down to the house by the clerk for concurrence.

[P. 186.] A message to the board by Mr. Tibbitts wth a vote of the Coun: for removing the powd^{r} house at Portsm^{o} to ye Castle at New Castle, from und^{r} ye care of Mr. Penhallow; wch vote was returned to the house by the clerk, who informed them that there was no powd^{r} und^{r} ye care of Mr. Penhallow, but that all the powd^{r} belonging to the province was in ye custody of ye Lt. Govr as Capt. of ye Castle.

A message to the board by Capt. Odiorne, Maj. Gillman and Capt. Tibbetts, with the two bills sent down this afternoon, past to be engrost: and by them the two following votes:

In Coun:

Voted, That Mark Hunking and Shad. Walton, Esq., be of a committee from the board to joyn wth such as may be chosen by the house to make tale of the money which is to be paid in by the Grand Committee this year to be burnt (1).

April 25th, 1721. Richd Waldron, Cler. Coun.

(1) *Memorandum.* That one thousand pound be of this payd in to the Treasury this present year.—*Journ. of the House, Apr. 25th.*

In the House of Represen^{ts}.

Read and concurred. Eph^{a} Dennet, Cler. Assem.

Voted, That Mr. Speaker Peirce, Capt. Odiorne and Mr. Dennet be a committee from this house to joyn those chosen in the upper house for ye end abovesaid.

Eph^{a} Dennet, Cler Assem.

Voted, That his Excellency be presented with one hundred pounds to be paid out of the Treasury of this province in bills of creditt.

April 25th, 1721. Eph^{a} Dennet, Cler. Assem.

In Coun:

Eodem die, concurred. Richard Waldron, Cler. Con.

[P. 187.] The Govr directed the Clerk of ye Council to require ye attend^{e} of ye house of represent^{e} at ye Council board. The Speaker and house came accordingly, and the several bills hereafter mentioned being passed in both houses and Ingrost, were executed and enacted by signing and reading in presence of the whole Assembly, namely:

1. An Act agst carrying on an illegal trade with the French at Cape Breton, alias Louisburg, near the Gulf of St. Lawrence in America.
2. An additional Act to an Act for punishing criminal offenders, and for the further preventing tumults & riotous Assemblys.
3. An Act in addition to an Act for the settlem^{t} & support of Grammar Schools.
4. An Act to prevent Gaming in publick houses.
5. An Act in addition to an Act to prevent damages by horses.
6. An act for the better regulating high ways.

After signing and sealing the foregoing Acts, his Excellency was pleased to make the following speech to the Genl Assembly:

Gent:—The affairs of the Province of the Mass^{a} bay requiring my presence, I find that you will not have time enough to finish ye affairs you proposed to be done at our present meeting; shall, therefore, quickly give you another opportunity to compleat them, and hope at yor next meeting you will think of ordering some mony to go on with the repairs of Castle William and [P. 188.] Mary.

Gent:—I return you thanks for what you have given me towards my support, and wish you well home.

Then the Clerk, by ord^{r} of his Excellency,
Adjorned the General Assembly
till the 15th day of May next.

Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, May 16, 1721.

Present in Councill,

The Honble John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richard Wibird,	
Geo. Jaffry,		Thom^{s} Packer,	

The house of representatives (1) was directed to give their attend^{e} at ye Council board by order of his Hon^{r} the Lieut. Govr, who came accordingly, and to whom he made the following speech:

Gentlemen:—Govr Shute's affairs of his other Government oblidged him to leave us before the business of this Province was finished, which occasions my now seeing you; & I doubt not but you are mett with dispositions for passing through the necessary business of the Government, for the effecting of which my best endeavours shall not be wanting; and I shall promote every thing that may tend to his Majesty's Interest, and the wellfare of this Government.

I recommend to your consideration ye state of his Majesty's fort, William & Mary; and your care must be not only to raise mony for the repairing that fortification, but also for the putting it into a better posture of defence. You well know that every wise goverment prepares for war in a time of peace: I am very sensible that ye circumstances of our present affairs [P. 189.] will not admitt of great things; yet we may do something annually, so that in a few years we may have a very defensible fortification. I hope what little was done towards it last year will be to your satisfaction, and you may depend what mony shall be raised hereafter for that service shall be faithfully applyed.

It has been the laudible character of this Government, and what has been our practice once a year, or oftener, to Address our prince on the Throne. I know his Excellency intended to have moved it when here, but going away in a hurry, I suppose it slipt his memory, so that I think it a proper season now to show our dutifull obedience to his Majesty King George, whom God has long continued to the British nation. You will also have an opportunity to show your respect to his Excellency our Governor, thankfully acknowledging his Majesty's favour in continuing a Governor to us so just to his Majesty's Interest, and willing to

(1) [From the Journal of the House.]

15 May, 1721. The house met according to prorogation.

Present—Mr. Speaker,

Eph: Dennet,	Coll. Davis,
Cap. Odiorn,	Mr. Eastman,
Cap. Greenough,	Cap. Tibett,
Cap. Gillman,	Mr. Dam.

The house is adjourned till tomorrow eight a o'clock.

16 May. Voted, That Cap. Greenough be Clark of this house till further order.

promote the best interest of this people. I am of the opinion that the keeping our port open is a disadvantage to the Government, so hope you will take it und^r consideration.

J. WENTWORTH.

Adjorn^d to to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^r.

At a General Assembly held at Portsmouth by adjournm^t May 17th, 1721.

Present in Coun:

His Honour Jno. Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo: Jaffrey,		Thom^s Packer,	

The Committee appointed to receive the mony of the Committee for the fifteen thousand pounds, Reported that they had received eight hundred & ten pounds, ten shillings and nine pence, which was burnt to ashes in presence of the General Assembly.

Adjorned till 3 o'clock, P. M.

[P. 190.] Pro. N. Hamp^r. Mett again according to adjornment.

Present as Before.

Adjorned till tomorrow.

Pro: N. Hamp^r.

At a General Assembly held at Portsm^o by adjornm^t May 18th, 1721.

Present in Coun:

As Before, namely,

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^s Packer,	

A message to the board by Capt. Tibbitts and Mr. Dennet, wth the following vote:

Voted, That a Committee be appointed to consider the expediency of Emitting a further sum of bills of creditt of this province, and on what foundation, and make report accordingly. The persons chosen for the aforesaid, are Capt. Sherburn, Maj. Gillman and Capt. Peirce, to joyn such as may be chosen by the board.

18th May, 1721. Daniel Greenough, Cler. Assem.

In Coun:

Read and ordered, That Mark Hunking, Geo: Jaffrey & Richard Wibird, Esqs., joyn wth the above Gentlemen as a Committee from this board.

Saml Penhallow, Cler. Con. *pro temp.*

A message to the board by Maj. Gillman, with the following vote:

In the house of Represen^{ts}.

Voted, That Col. Walton be returned thanks for his good service done this province at the Eastward, & that he be presented with ten pounds to be paid out of the publick treasury.

May 18th, 1721. Danl Greenough, Cler. Assem.

In Coun:

Concurred. Saml Penhallow, Cler. Con. *pro temp.*

Adjorned till tomorrow.

[P. 191.] Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o} by adjornm^{t}, May 19th, 1721.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thos Packer,	

A message to the board by Jotham Odiorne, Esq., with the following vote:

In the House of Represen^{ts}.

Voted, That a Committee be chosen (viz.), Capt. Odiorne, to survey the stores of powder belonging to his Majesty's Fort William and Mary, and to see the same delivered into the powder-house within the said Fort, under the care of the Capt. for the time being, and that there be a report made to this house of the same.

19th May, 1721. Daniel Greenough, Cler. Assem.

Eodem die. In Coun:

Voted a Concurrence, and that George Jaffrey, Esq., be of the board to joyn in the above service.

Saml Penhallow, Cler. Con. *pro temp.*

A vote was sent up impowering the Treasurer to recover and receive the interest of the public mony lett out to the several Gentlemen, which was approved of at ye board.

Adjorned till tomorrow.

Pro. N. Hamp^{r}.

At a Genl Assem: held at Portsm^{o} by adjornm^{t}, May 20th, 1719.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs: Shad. Walton, Richd Wibird, Thom^{s} Packer, } Esqs.

A message to the board by Mr. Dennet, wth the petition of Eliz^{a} Sloper, & papers belonging thereto.

Adjourned till to-morrow, 9 o'clock, A. M.

[P. 192.] Pro: N. Hamp^{r}.

At a General Assembly held at Portsm^{o} by adjornm^{t}, May 21st, 1721.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Samuel Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, Thom^{s} Packer, } Esqs.

Henry Sloper being sent for by a special warrant directed to the sheriff, was accordingly brought to the board to answer for his vile and wicked reflections on & abuse of his Majesty's Government of this province, as sworn on file; and being heard thereon, it was considered, That the said Henry Sloper pay as a fine to his Majesty twenty pounds & costs taxed at fifty-five shillings and six pence, and recognize in Two hundred pounds, to be of good behaviour for the year next ensuing, & stand committed till sentence performed.

Richd Waldron, Cler. Con.

The above said Henry Sloper recognized according to the above order, and a copy of the said order was drawn out, directed & delivered to Mr. Benjn Acreman, to be executed upon the said Sloper.

Richd Waldron.

A message to the board by George Jaffrey, Richd Wibird and Thos Packer, Esqs., with a scheme and projection for making and emitting ten thousand pounds, which was laid before the board by a Committee appointed to report that matter.

Adjorned till July 11th, 1721.

[P. 193.] Pro: N. Hamp^{r}.

At a General Assembly held at Portsmouth by adjornment, July 11th, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Geo. Jaffrey,		Richd Wibird,	
Mark Hunking,		Thom^{s} Packer,	

A petition directed to the Honble the Lieut Govr & Council signed by four of the five selectmen of Portsmouth, and preferred by Mr. James Jaffry, praying for a writt of *Audita Querela* (1) upon a case tryed at the Qr. Sessions relating to Mrs. Jose's highway, was read at ye board and ordered that the petition be heard to-morrow at ten o'clock before noon, and that John Pray be notifyed thereof.

Richd Waldron, Cler. Con.

The petition of Israel Clifford, directed to the General Assembly, praying for an allowance out of the Treasury, in consideration of his being shot in the leg and much wounded on a Muster day at Hampton, read at the board and sent down by the Clerk.

This day his Excellency the Gov^{rs} additional Instructions from the Lords Justices signifying his Majesty's will and pleasure relating to the striking or emitting any more bills of creditt within this province, was read at the board, and then sent down and laid before the house by the Clerk.

Adjorned till 3 o'clock P. M.

Pro: N. Hamp^{r}. Mett according to adjornment.

Present in Coun:

As Before.

[P. 194.] A message to the board by Mr. John Dam with the Lords Justices' Instructions to the Govr, wch were read in the house(2).

(1) In *law*, when a defendant or bail, against whom judgment has been recovered, complains that he has already ratified the demand, or been released from it, an *audita querela* is a writ in the nature of a bill in equity, directed to the Court, enjoining it to hear the parties and cause justice to be done them.—*Web. Dic.*

(2) [From the Journal of the House.]

By ye Lords Justices Parker, Townsend, Craggs, New Castle & Devonshr.

Additional Instructions to Saml. Shute, Esq., his Majests Cap. General and Governour-in-Chief of his Majests Province of New Hampr, in New England, in America, or to ye Commander-in-chief of his Majestys Province of New Hampr for ye time being: Given at Whitehall, ye twenty seventh day of Septemr, 1720, in ye seventh year of his Majet's Reign.

A message to the house by George Jaffrey, Shad. Walton, Esq., with the petition of Doctr Allen, praying for an allowance out of the treasury for his administration to ye New Hampr Souldiers at the eastward in quality of a surgeon.

Adjourned till to-morrow, 10 o'clock, A. M.

Pro. N. Hampr.

At a General Assembly held at Portsmo by adjournment, July 12th, 1721.

Present in Coun:

His Honr John Wentworth, Esq., Lt. Govr,

Samuel Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Richd Wibird, Esq.

Mr. James Jaffry, in behalf of the Selectmen of Portsmouth, appeared at the board to prosecute their petition preferred yesterday, and Mr. John Pray appeared to answer according to notification; and objected that the Selectmen were not qualifyed to prosecute the said petition or suit, without a special vote of the town impowering them so to do;—which being considered, It is resolved that the process be dismist, the prosecutors not appearing according to law.

Richd Waldron, Cler. Con.

Adjorned till 3 o'clock, P. M.

Pro: N. Hampr.

Mett again according to adjournment.

Present as Before.

Mr. Jonathan Wiggin appeared at the board to prosecute his petition preferred in April last, praying for a grant of the Ferry

Whereas Actts have been passed in some of his Majesties Plantations in America, for striking Bills of Creditt and issuing out ye same in lieu of mony, in order to discharge their publick Debts and for other purposes, from whence several inconveniences have arose; it is therefore his Majests Will and Pleasure, that for ye future, you do not Give your assent to or pass any Act in his Majests Province of New Hampr, under your Government, whereby Bills of Credit may be struck or Issued in lieu of mony or for Payment of mony either to you, ye Governour, or to ye Comander-in-chief, or to any of ye members of his Majesties Council, or of ye Assembly of ye said Province of New Hampr, or to any other person whatsoever, without a clause be inserted in such Actt declaring yt ye same shall not take effect untill ye sd Actt shall have been approved and confirmed by his Majesty, excepting Actts for raising and settling a Publick Revenue for defraying ye necessary charge of ye Government of ye sd Province of N. Hampr, according to ye Instructions already given you. By their Excellencies' command.

CHARLES DELAFAY.

on the south side Exeter river; and return being made by an officer und^{r} oath, that Richd Hilton, Esq., had been notifyed of said petition, and the hearing appointed upon it, The House of represen^{ts} were sent for to the board by the Clerk, and the Speaker and house came accordingly; and after hearing the subject matter of the petition and what related thereto, withdrew to their own chamber to consider thereof.

[P. 195.] A message to the board by Mr. John Dam with a vote for striking and Emitting fifteen thousand pounds bills of creditt, wth a saving clause according to the Instructions to the Govr read at ye board yesterday, which was sent down to the house by Geo: Jaffry and Richd Wibird, Esqs., for further consideration & amend^{mt}.

Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t} July 13th, 1721.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^{s} Packer,	

A message to the board by Mr. Dam, with the following vote:

Voted, That Jonathan Wiggin shall have the ferry at Stratham, on the south side of Exeter river over against Capt. Richard Hilton's house, and the improvem^{t} thereof, for the space of twenty nine years and half, from ye date hereof; he finding and providing a sufficient boat and canoe for transportation of travellers, takeing for each horse and rider six pence and no more, and for each single person two pence and no more; provided that the said Wiggin allow to all travellers sufficient ways or passage from the King's road down to the ferry as the ways now go, he having the liberty of hanging Gates where needful in said ways, he always keeping his bridge and cosway in repair at his own cost and charge, and to have liberty to sell beer and Cyder free of Excise, and to give due attendance, on the penalty provided in the law in the like cases, and that said penalty shall not be in force agst said Wiggin untill the twenty fifth day of March next after the date hereof.

July 13th, 1721. Danl Greenough, Cler. Assem.

In Coun:

Eodem die, Concurred. Richd Waldron, Cler. Con.

[P. 196.] Mr. John Sherburn appeard at the board to prosecute his petition preferred in April last, praying a committee might be appointed to lay out some grants of land for him; and being heard at ye board and in the house of represen^ts upon his petition, It was Voted in the house and sent up by Mr. Jno. Dam as follows: (viz.)

The petition of John Sherburn praying for a committee to lay out his land as in said petition mentioned, being read in the house of represen^ts,

Voted, That the prayer of the petition be granted.

Eph^a Dennet, Cler. Assem.

In Council.

July 13th, 1721. Concurred, and voted that the Lott-layers of the town of Portsmouth be the committee to lay out the land mentioned in s^d petition, and that they notify the Lott-layers of New Castle to be present, if they see meet, when the said pieces of land shall be laid out, and that such laying out and record thereof in the town-book shall be deemed good and valid in the law, as if laid out by the lott-layers of the same town.

Richd Waldron, Cler. Con.

A message to the board by Capt. Jno. Gillman, with the following vote:

Whereas the Title of the Act past in Genl Sessions of the province in April last relating to riotous Assemblys & riots, has occasioned great discourse and many reflections; — It is the desire of the house of representatives that said Act be not printed.

13th July, 1721. Danl Greenough, Cler. Assem.

In Council.

Voted, That the printing the Act abovesaid be suspended for ye present.

Richd Waldron, Cler. Con.

Adjourned till tomorrow, 10 o'clock, A. M.

[P. 197.] At a Genl Assembly held at Portsmouth by adjornm^t, July 14, 1721.

Present in Council,

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry.		Thom^s Westbrook,	

A message to the board by Mr. Dennet, Mr. Dam and Capt. Greenough, with a vote for postponing the paym^t of the thousand pounds payable into the treasury this year until the year 1728.

By the same message two other votes; the one about excise, the other pedlars,(1) which being read were returned to the house by Geo: Jaffry and Richd Wibird, Esqs., for further consideration and amendment.

A message to the board by Mr. John Dam with the following vote:

In the House of Representatives.

Pursuant to a vote of Assem. past 19th May, 1721, for making and emitting a sum of bills of credit,

Voted, that Mr. Speaker Peirce, Capt. Sherburn, Maj^{r} Gillman and Capt. Wiggin be a committee to joyn such as may be chosen in the upper house, to form an Act for ye printing a sum of bills, of credit on a good foundation, to be sent home for the royal assent.

12 July, 1721. Danl Greenough, Cler. Assem.

In Council.

July 14th 1721. Concurred, and Samuel Penhallow, Geo. Jaffry, Richard Wibird, and Thom^{s} Packer, Esqs., appointed for the service above. Richd Waldron, Cler. Con.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjournment.

Present as Before.

[P. 198.] Richard Haice and Eben^{r} Haies appeared at the board and humbly prayed they and John Haice might be poled of from the town of Portsmouth to Newington, which was considered and a vote formed thereon and past and sent down by the clerk for concurrence.

A message to the board by Mr. Dam wth the following vote:

In Coun:

Voted, That Richard Haice and his sons John and Eben^{r} Haice be and hereby are discharged paying any tax wthin the town of Portsmouth till further order of the General Assembly, but that they pay all their taxes within the precincts of Newington,— that is to say, their poll tax and tax for the estate on which they now live,—till the aforesaid further order.

Richd Waldron, Cler. Con.

(1) [From the Journal of the House.]

July 14th. Voted, yt all Pedlers and Incomers yt shall trade in this Province of New Hampsre shall pay 2½ per cent. for all their trade as they shall give in upon oath.

Read in the house of Represen^{ts},
And concurred with.

Daniel Greenough, Cler. Assem.

A message to the board by Mr. John Dam wth the following vote:

Forasmuch as there are several tippling houses in this Province that privately sell strong drink without license, and are so very private in it that it is hard to make proof of ye same:

Voted, That every Justice of the Peace within this Province be impowered to summon all such persons as they shall have information of, that do at any time drink strong drink in any of those houses, and put them to their oath whether they pay for it either directly or indirectly; and upon refusal to take such oath, to be sent to his Majesty's goal, there to remain until they take the oath as aforesaid; and every person so selling and being convicted pay a fine of five pounds, to be collected and disposed of as the Law provides in like cases . . . And that all licensed houses wthin this Province shall constantly be provided wth beer or Cyder for the refreshment of travellers, under penalty of paying ten shillings for every defect so often as they shall be found two days wthout it; and that there be an Act drawn up accordingly; And [P. 199.] that Maj. Gillman, Col. Davis & Capt. Odiorne be a committee to joyn with such as shall be chosen in the upper house to form said Act.

14 July, 1721. Danl. Greenough, Cler. Assem.

In Council.

July 14th. Concurred, and Voted, That Saml Penhallow, Geo. Jaffrey and Richd Wibird, Esqs., be of the Committee for the service above.

Richd Waldron, Cler. Con.

Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsmouth by adjornm^{t}, July 15th, 1721.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Richd Wibird, } Esqs.

Thom^{s} Packer, Esq.

This day the Grand Committee for the management of the fifteen

thousand pounds, paid to the General Assembly two hundred and thirty-four pounds five shillings and six pence, which was burnt to ashes, and of which said sum the Grand Committee are hereby discharged.

A message to the board by Mr. Dennet praying an answer to the vote of the house for postponing the payment of the thousand pounds payable into the Treasury this year, until the year 1728, which was sent up yesterday.

A message to the House by Geo. Jaffry, Esq., to inform them that their vote for postponing the payment of the thousand pound aforesaid would lye upon the board for consideration till September next, and that the treasurer should not issue out his warrants for the same in ye mean time.

A message to the board by Mr. Dennet, Capt. Odiorne and Capt. Gillman, wth the following vote:

[P. 200.] In the House of Represen^{ts}.

Voted, That his Hon^{r} the Lieut. Govr be presented wth one hundred pounds, to be paid him out of the Excise in Specie.

15th July, 1721. Danl Greenough, Cler. Assem.

In Coun:

Eodem die, Concurred.

Richd Waldron, Cler. Con.

A message to the board by Col. Davis & Capt. Gillman, wth the following vote:

It is the desire of the House of Representatives that there may be a receiver at Dover and Exeter of the Duty of the Boards mentioned in the Act.

Danl Greenongh, Cler. Assem.

A message to the board by Mr. Dennet, with a bill entituled An Act for granting unto his Majesty several Dutys of Impost, Export and Excise, &c., which had been read in the house and past to be Enacted; which said bill was read at the board, and also past to be enacted, and was accordingly enacted by signing, sealing,(1) &c.

Adjourned till Thursday, the 20th instant.

(1) [From Journal of the House.]

14th July, 1721. Voted, 1. That there be an Actt of Excise, Import & Export, viz.

2dly. Yt all rum imported from ye place of its growth shall pay 10s pr Hhd., and so pro rata for lesser or Greater Quantities.

3d. Yt all Rum Imported from any place but ye place of its growth shal pay 20s pr Hhd., and so pro rata, for lesser or Greater Quantities.

4. Yt Cannary and Madara Wine shall pay 20s pr Pipe, yt is imported from any place but the place of growth, and so pro rata.

[P. 201.] Pro: N. Hamp^{r}.

At a General Assembly held at Portsm^{o},
by adjornm^{t}, July 20th, 1721.

Present in Council,

His Hon^{r} John Wentworth, Esq., Lieut. Govr,

Saml Penhallow, } Esqs. Shad. Walton, } Esqs.
Geo: Jaffry, } Richd Wibird, }

Thom^{s} Packer, Esq.

The petition of Samuel Bracket praying a committee might be appointed to lay out some grants of land for him in the town of N. Castle, for reasons therein mentioned, read at the board and sent down to the house by the clerk.

The petition of the town of Portsm^{o} signed by James Jaffry, agent and attorney for the s^{d} town, praying for a special Act to enable the s^{d} town to have a re-hearing of a case between them and Mr. John Pray, relating to a high way through Mrs. Jose's land, read at the board and sent down by the clerk.

Adjorned till 3 o'clock, P. M.

Pro. N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Coun:
as Before.

Jotham Odiorne, Esq., appointed Impost officer, and Mr. Clem^{t}

5. Yt Canary and Madara Wine imported from ye place of growth shal pay 10s pr Pipe, & so pro rata.

6. Yt Fiall and St. George's Wine shal pay 15s pr Pipe that is Imported from any place but ye place of growth, & so pro rata.

7. Yt all Fiall and St. George's wine shall pay 8s pr Pipe imported from ye place of growth, &c.

8. Yt all Taverners and Innholders pay 8d pr Gall. for Rum and wine and all spirits; and 1s. 6d. pr Barll for Cyder Excise.

9. Yt all Retailers Pay 2d. pr Gall. on Rum and wine, which shal be paid in Province bills of Cr. or Merchtble winter Fish at ye price as it shal bear in ye month of June annually, to a Receiver apointed for that purpose.

10. Yt all Boards exported from this Port shal pay 2s. pr M., except what is exported for Europe or ye West Indies, which shal be paid in Pro: bills of Cr. or Merchble Boards at ye currant price, to a receiver appointed for that purpose.

11. Yt ye Duties and Excise be paid in species or Prov: Bills of Cr.

12. Yt all Taverners, Inholders and Retailers shal be under Oath 4 times in a year to ye Quantity of Liquor they draw, and that all masters of sloops shal be under oath likewise to what Liquor they bring into this province.

13. That all merchble Fish exported from this Province, except what shal be Exported to Foreign parts, shal pay 12d. pr Quintal, to be pd in Prov: Bills of Cr. or specie.

14. Yt all Taverners and Retailers be allowed 1-5 [one-fifth] part for wastage.

Hughes commissioner of Excise for one year, and ordered that warrants be forthwth prepared accordingly.

A message to the board by Capt. Sherburn with the report of the Committee of Audit and the votes thereon, as follows:

Pro: N. Hamp^{r}, April 10th, 1721.

At a meeting of the committee for auditing the province accounts, the following accounts allowed:

1. Account, satisfaction made for the death of Indian Hannock, supposed to be murthered in the province, and the Lt. Govr, &c., going Eastward to make the present	£91:	14:	5
[P. 202.] 2. Muster Roll signed by Capt. Moody, soldiers at the Eastward under his command	203:	7:	3
3. The Treasurer's acc^{t}, provisions, &c., for s^{d} sol^{d}^{rs}	245:	2:	5
4. The Treasurer's particular acc^{t} of sundry disburs^{m}^{ts}	186:	8:	7
5. Disbursements on the Prison	56:	18:	0
6. Mr. Clerk Waldron's account	58:	0:	0
7. Doct. Robert Pike for administrations on Wm.			
8. White, a sold'r at the Fort, referred to Genl Assem.			
9. Col. Weare as pr his acc^{t}	3:	0:	0
10. Mr. Thom^{s} Dean	0:	6:	6
11. Robert Coats for Light-house & other work at ye fort	14:	10:	7
12. Do. for mason's work at ye fort	12:	5:	0
13. Geo. Peirce for iron work at ye Prison	13:	0:	0
14. Richd Perry, Lock smith, for mending arms	1:	0:	0
The foregoing acc^{t} allowed by us	£885:	12:	9

John Gillman, Mark Hunking,
Jotham Odiorne, Geo: Jaffry,
Peter Wear, Richd Wibird.

In ye house of Represen^{ts}.

Voted, That the several sums annexed to the several names in the within account be allowd to be paid, as also 20s. to Robt Coates for his trouble ab^{t} the light house, as pr his acc^{t} £1:1:0, and to Dr. Pike for medicines to Wm. White, as pr his acc^{t}, 4: 0: 0.

15 July, 1721. Daniel Greenough, Clerk Assem.

In Council.

July 20th, 1721. Concurred.

Richd Waldron, Cler. Con.

A message to the board by Jotham Odiorne, Esq., wth the Petition of ye town of Portsm^{o} sent down in the morning, on which are indorsed the following votes:

The within petition read in the house of Represent^e and suspended till ye next sessions, that there may be notice given to Mr. Pray to appear.

July 20, 1721. Danl Greenough Cler. Assem.

Eodem die. Concurred in Coun:

Richd Waldron, Cler. Con.

Prorogued to 7br 14, 1721.

Further Prorogued to 8br 3d, 1721.

[P. 203.] Pro. N. Hamp^r.

At a General Assem. held at Portsm^o, by prorogation, October 3^d, 1721.

Present in Coun:

His Hon^r John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Richd Wibird, } Esqs.

Thom^s Packer, Esq.

The attendance of the house of Representatives (being desired) at the board, the Speaker and house came accordingly, to whom his Honour was pleased to make the following speech.

Gentlemen:—I am to acquaint you that I received a letter from his Excellency, Gov. Shute, bearing date ye 25th Sept. last past, in which he advises me that he is not able to perform his journey to New Hampshire this sessions, by reason of a fall he received some time since, so that we may not expect his Excellency here this winter.

You may Remember in our last sessions that we did not pass on the raising any mony for the necessary and now growing charges of the Gov^rnmt for the year 1721, which is pretty far advanced: I therefore now would recommend it to your consideration.

The forces employed on the Eastern frontiers do and will call for mony to support them. I have inquired into the state of the Treasury, and find by Mr. Treasurer that we have no money in the Treasury, and so not to answer the demands that are now upon him.

The Impost and Excise Act, being laid on so late in the year that we shall not feel the strength and benefit thereof this winter, the greatest part of our boards being exported before the Act took place; so hope you will take it into consideration and provide such supplys as may be wanting for ye hon^ble support of this his Maj^tys Govem^t.

And if you have any thing else to offer that may be for the service of the Crown and the good of this Province, you shall not want my best endeavors to promote it.

8br, 1721. Jo. Wentworth.

Adjorned till 3 o'clock, P. M.

[P. 204.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.
Pres^{t} as Before.
Adjorned till to-morrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a General Assembly held at Portsm^{o}
by adjornm^{t}, 8br 4th, 1721.
Present in Coun:
His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^{s} Packer,	

The Honble the Lt. Govr and Council having formed themselves into a Court of Appeals this day, pursuant to a vote of the General Assem: bearing date April 24th, 1721, to hear a case between Capt. Eben^{r} Wentworth, Appel^{t}, and Thomas Palmer, Esq., Appellee; and the Court being opened, and Capt. Eben^{r} Wentworth not appearing, the said Thomas Palmer, Esq., entered a complaint, viz.:

Thom^{s} Palmer, Esq. Complan^{t},
versus
Capt. Eben^{r} Wentworth, Defend^{t}.

For that the said Eben^{r} Wentworth had not filed reasons of Appeal, according to law, nor prosecuted his appeal according to his bond, &c., as may fully appear, refference being had to ye said Complaint on file; and this Complainant being fully heard upon his complaint, It is considered by the court, That the said Thomas Palmer, Esq., recover against the said Eben^{r} Wentworth, one hundred and ninety pounds, fifteen shillings, it being a confirmation of the Judgment of ye Superiour Court, and costs of Courts, taxed at seven pounds, ten shillings and two pence,—in all £198: 5: 2.

Richd Waldron, Cler. Con.

[P. 205.] A message to the board by Mr. Dennet with a vote requesting the Treasurer to lay before the House the State of the Treasury, who immediately presented them with a memorial thereof accordingly.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^{r}.

Mett again according to adjornment.
Present in Coun: as Before.
Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hampr.

At a Genl Assem: held at Portsme by adjornmt 8br 5th, 1721.

Present in Councill,

His Honr John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jeffry,		Thoms Packer,	

A message to the board by Messrs Sherburn, Dennet, Greenough and Easman, with an answer to the Lieut. Govrs Speech, which said answer was sent back to the house by Geo: Jaffry, Esq.. to be reconsidered and amended(1).

Adjorned till 3 o'clock, P. M.

Pro: N. Hampr.

Mett again according to adjornment.

Present in Coun: as Before.

A message to the board by Samuel Easman, Esq., with the Representatives answer to his Hons the Lieut. Govrs Speech (sent down in the morning to be reconsidered) without any alteration.

[P. 206.] A message to the house by Saml Penhallow & Shad. Walton wth their answer to the Lt. Govrs Speech, but now sent up by Samuel Easman, Esq., to desire their reconsideration of it & some amendments upon it.

A message to the board by Capt. Samuel Tibbits with two votes, namely, for postponing the thousand pounds payable into the treasury this year, till 1728, and for acquitting Constable Longfellow of twenty odd pounds due to the treasury, which

(1) [The following is the Answer as contained in the Journal of the House, October 4th, 1721.]

In answer to his Honours Speech.

The House of Representatives are concerned for his Excellencies misfortune, that they cant have his Company here this sessions, according to expectation.

We presumd yt at our last Sessions we had taken necessary care for ye support of ye Governmt for ye present year, as far as we had any view of ye growing charges, having then upward of eight hundred pounds & upwards in ye treasury, and a prospect of as much more by the Impost, &c.

It appears to this house a Great Grievance that so many men should be drawn out of this province to support ye Eastern frontiers, whereas our own Province is exposed in our frontiers as much as theirs.

And we pray his Excellency may be desired to return our men home, for yt we are humbly of opinion yt we are neither able nor oblidged to support our men there.

So with great respect we are yr Honrs Servts.

[The Committee appointed to draw up the above answer, were Mr. Speaker Peirce, Col. Weare and Capt. Wiggin.—Ed.]

were sent down to the house by Sam[l] Penhallow and Geo. Jaffry, Esqs., to be reconsidered.

Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp[r].

At a General Assem: held at Portsm[o] by adjornm[t] Octob[r] 6th, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Gov[r],

Sam[l] Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Shad. Walton, }

Thom[s] Packer, Esq.

A message to the board by Capt. Samuel Tibbitts wth the answer of the House to his Hon[rs] Speech wth some alterations upon it, tho' the same in substance as before, which was again sent down by Geo. Jaffry and Rich[d] Wibird, Esqs., to be yet further considered and amended.

A message to the board by Capt. Wiggin wth a vote for postponing the thousand pounds payable into the Treasury this year, until the year 1725.

A message to the board by Capt. Gillman with the house of represent[s] Answer to his Hon[r] Speech, which was accepted, & is as follows:

May it please your Hon[r].

In answer to y[r] Honour's Speech, We the representatives are grieved for his Excellency's misfortune, which p'vents his seeing us this Sessions.

As to provision for support of Government your honour recommends to us, we presumed [P. 207] that at our last sessions, upon the settlement of the Treasurer's Accounts, there being a ballance of about seven hundred pounds in his hands, that that sum wth the Impost and Excise dayly coming into the Treasury, would have been sufficient to defray the accrewing charges of the Province for this year, so farr as we had a view thereof, and would have been sufficient to answer all demands, if his Excellency had not ordered such a number of forces into the Eastern parts, which to us is a great grievance, that our men should be drawn out of our Province to defend and cover that Country, when our frontiers are as much exposed, and we at expences of scouts at the same time; wherefore we pray that his Excell[y] may be desired to give orders for the calling home our said men, we not being obliged to support them there, neither are we disposed to raise any mony for that service or allow any.

With great respect, we are

Yo[r] Hon[rs] Most Obed[t] Servants.

5th Oct[r], 1721. Josh[a] Peirce, Speaker.

A message to the board by Capt. Greenough wth the following votes:

Voted, That an Act be past to prohibit all trade and commerce with the Eastern Indians, and that a committee of both houses be chosen for the ends aforesaid.

Oct. 6th, 1721. Danl Greenough, Cler. Assem.

Eodem die. In Coun:

Concurred.

Richd Waldron, Cler. Con.

In the House of Represen^ts^.

Voted, That Col^o^ Davis & Col^o^ Wear be of ye Committee for this house to joyn such as may be chosen by the upper house to form an Act to prohibit a trade and commerce with the Eastern Indians.

Oct. 6th, 1721. Danl Greenough, Cler. Assem.

In Coun:

Eodem die. Concurred and Ordered, That Mr. Jaffry & Col. Walton joyn in the affair above.

Richd Waldron, Cler. Con.

Adjorned till 3 o'clock, P. M.

[P. 208.] Pro: N. Hamp^r^.

Mett again according to adjornm^t^.

Present in Coun:

As Before.

George Jeffry, Esq., from the Committee appointed to prepare the bill prohibiting a trade with the Indians, laid the same before the board, which was read and past to be engrost; and sent down to the house of represent^s^ for concurrence by the Clerk.

Hugh Banfield preferred a petition directed to the Honble the Lt. Govr and Coun: as the Supream Probate, praying for a settle of his father John Banfield's estate, which said petition is ordered to be heard tomorrow.

Adjorned till tomorrow 9 o'clock, A. M.

Pro: N. Hamp^{r}.

At a General Assem: at Portsm^{o}
by adjourm^{t} 8br 7th, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffry, } Esqs.

Shad. Walton, Richd Wibird, Thomas Packer, } Esqs.

Ordered, that the Clerk write to Capt. Samuel & Capt. Josh^{a} Weeks and direct them to have the high-ways within their districts forthwth repaired.

A message to the board by Mr. Dennet wth the bill prohibiting a trade with the Eastern Indians, past in the house to be Ingrost.

A message to the board by Messrs Davis & Gillman with a vote for repealing the Impost & Excise Act, wch vote was returned to the house by Geo. Jaffry, to be reconsidered.

Mr. Treasurer Penhallow presented to the board an account of his necessary disbursm^{ts} for the souldiers gone Eastward, which he was directed to lay before the house of Representatives for their consideration.

[P. 209.] A message to the board by Capt. Tibbitts wth the vote of the house (amended in part) for repealing the Impost & Excise Act, which was again sent down by Geo. Jaffry & Richd Wibird, Esqs. for further amendm^{t}; who brought back the said vote wth some further alteration, which was accepted and concurred with, and is as follows:

Forasmuch as the Act of Impost, &c., lately past in this Province is resented by the Government of the Mass^{a} as injurious to them, upon which they have enacted the imposing severe, uncommon & unneighborly Dutys on provisions and other wares and merchandise that shall be imported and exported to and from ye Goverm^{t}; and being given to understand that the execution of s^{d} Act is suspended or does not commence until the 20 instant, in expectation of a reconsideration of our Act of Impost, &c., which they say has occasioned such a misunderstanding between the Goverments, — for the redressing and removing of which,

Voted, That the Act of Impost and Excise of this Province be repealed so farr as relates to Impost on liquor, and Export on boards, provided that the Great and General Assembly of the Massachusetts, in their next sessions repeal their said Act imposing said severe dutys, as also their former Acts laying double dutys on Merchandise imported from their province, powder mony, double light mony, &c., on the vessels of this province, more than

is paid by the vessels belonging to any other the neighboring Governments, and that an order be issued out to the receiver or receivers, that they receive no more until further order, from and after this date. But if in case the said Great and General Assembly of the Mass^a do not see meet to repeal their s^d Acts so farr as affects & relates to this Province, then our Act to remain in full force notwithstanding.

Oct. 7th, 1721. Danl Greenough, Cler. Assem.

In Coun:

Eodem die, Voted a concurrence.

Ricd^d Waldron, Cler. Con.

Hugh Banfield appeared at ye board to prosecute his petition preferred yesterday, and being heard upon it, it appeared fully, that his said father, John Banfield's estate, had [P. 210] been heretofore settled according to law: whereupon it was ordered that the said petition be dismist. R. Waldron, Cler. Con.

A message to the board by Capt. Greenough with an explanatory vote upon a paragraph in the Impost & Excise Act, which was sent down by Geo: Jaffry & Richd Wibird, Esqs., to be amended, who brought back the same vote without any alteration; — which is as follows:

Pro: N. Hamp^r. Whereas the Act of Excise past in General Assem: which was to take effect the nineteenth of July, 1721, wch interferes with the licences taken before, wch terminates ye 6th day of Septr following.

In the House of Represen^ts.

Voted, That the said Act should not take place until s^d 6th of Sept^r, 1721.

Oct. 7, 1721. Danl Greenough, Cler. Assem:

In Coun:

Eodem die, Concurred. Richd Waldron, Cler. Con.

In Coun:

Ordered, That the vote of the house sent up yesterday for deferring the payment of the thousand pounds payable into the treasury this year, till 1725, be under consideration till next sessions, and that the treasurer do not Issue out his warr^ts for ye same in the mean time.

Richd Waldron, Cler. Con.

A message to the board by Capt. Greenough praying a Conference with the Honble the Lt. Govr and Council upon the subject matter of striking and emitting more bills of creditt for defraying the dayly accruing charge of the Goverm^t, The request

granted, and the Speak^{r} and House came to the Council Chamber accordingly, and having fully discoursed the point, withdrew to their own apartment.

MEMORANDUM. This day delivered to the Genl Assem: by the Grand Committee for the management of the fifteen thousand pounds, one hundred and forty three pounds, four shillings and four pence, which was burnt to ashes in presence of the Genl Assem: of which sum the s^{d} committee are hereby discharged.

[P. 211.] His Hon^{r} the Lieut. Govr directed the Clerk to notify the house of Represen^{ts} that they give their attend^{a} at ye Coun: board. The Speak^{r} and House came accordingly: And the Bill entituled an Act to prohibit trade and commerce with the Eastern Indians being past both houses to be Engrost and Enacted, the same was signed & sealed in p'sence of the Genl Assem: & then they were,

Adjorned till ye 7th day of Novem^{r}, 1721.

Prorogued till Novem^{r} 21, 1721.

Pro: N. Hamp^{r}.

At a Genl Assem: held at Portsm^{o} by proroga^{n} 9br 21st, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Richd Wibird, } Esqs.

Thos Packer, Esq.

A message to the House(1) by the Clerk requiring their attend^{a} at the board; the Speak^{r} and house came accordingly; to whom his Honour was pleased to make the following Speech:

Gent. The principal reason of my further proroguing the Genl Assembly to this day, was to give the other Government time before us to see whether they would repeal an Act lately imposed on this Government so cruel and so oppressive.

I am to let you know that since our last sitting, Mr. Speaker Pierce and Mr. Treasurer Penhallow accompanyed me to Ipswich, where I mett Governour Shute according to appointment, and we

(1) [From Journal of the House.]

Nov. 22, 1721. Prov: N. Hampr.

George, &c.

Whereas sundry members of ye house were delinquent, according to ye adjournmt from Novembr 7th to 21st of sd month, a warrant was issued out from this house pr. Mr. Speakr for their appearance.

discoursed matters relating to the above Act, &c., and came to this resolve, That in case the Mass^a will drop all their impositions [P. 212.] formerly and lately laid on this Goverment, that then and in such case we will do the same, (viz.) Drop all Dutys laid by us on them, or in such wise as they do by us; his Excellency has promised his best endeavors shall not be wanting for the accommodation thereof.

Now in case the Mass^a does not redress us, then we have nothing more left us but to state the case fairly, and to Address his Majesty, by our Agent, Mr. Newman; and you may be assured that I will do everything in my power for the repealing that Act. When our Act and that of Massachusetts comes before impartial Judges, ours will be thought no hardship, but w^t one Goverment may lay on another: but theirs will look cruel and oppressive.

I would recommend to your consideration the fifteen hundred pounds collected last year, and should have been burnt according to act of General Assembly; for what reason that mony was misapplyed, Mr. Treasurer is to account for. I hope you will consider of ways and means to bring it into the treasury again, that so it may answer the just end for which it was made.

I remember last year there was a motion made for calling in the fifteen penny bills of Creditt, many of which were found to be counterfeited. It will be well worth your while to consider and raise mony for that use on a good fund, and putt into the Treasury for Exchanging s^d bills, and that you will take care that his Excellency may be provided for as usual, that so the honour of this His Maj^ties Government may be supported.

J. WENTWORTH.

Adjorned till tomorrow, 9 o'clock, A. M.

Pro: N. Hamp^r.

At a Genl Assem^y held at Portsm^o by adjornm^t, 9^br 22^d, 1721.

Present in Councill,

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Geo. Jaffry, } Esqs. Richd Wibird, Thos Packer, } Esqs.

Adjorned till to morrow, 9 o'clock, A. M.

[P. 213.] Pro: N. Hamp^r.

At a General Assem: held at Portsm^o by adjornm^t, 9br 23^d, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffry, } Esqs. Shad. Walton, Richd Wibird, Thos Packer, } Esqs.

Adjorned till Monday next, the 27th instant, at 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem. held at Portsm^{o}
by adjornm^{t}. November 27th, 1721.

Present in Councill,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Thom^{s} Packer, } Esqs.

Adjorned till 3 o'clock, P. M.

Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present,

His Honour the Leut. Gov:

Geo. Jaffry, Shad. Walton, } Esqs. Richd Wibird, Thos Packer, } Esqs.

A message from the House to the Lieut. Govr praying a copy of his Honour's Speech, which was immediately prepared and carryed down by the clerk accordingly.

A message from the house by Capt. Greenough and Mr. Dam, praying they might be informed whether his Excellency had recalled the New Hampshire souldiers from the Eastward, or what advice there was from the Govr respecting that matter. To whom his Honour replyed that the last time he heard from the Govr, his Excellency acquainted him that the Mass^{s} had reduced their souldiers to two hundred, and that N. Hamp^{r} Quota was now but twenty.

[P. 214.] A message to the board by Capt. Tibbetts and Capt. Gillman with the following vote:

In the House of Represen^{ts}.

Voted, That his Excellency be desired to order all our Province men home from their respective posts at the Eastward, they being in a suffering condition, and we neither willing nor oblidged to support them there.

27th Nov^{r}, 1721. Danl Greenough, Cler. Assem.

In Council.

Eodem die. Concurred.

Richd Waldron, Cler. Con.

Adjorned till to-morrow, 9 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assembly held at Portsm^{o}
by adjornm^{t}, 9br 28th, 1721.

Present in Council,

His Honour John Wentworth, Esq., Lt. Govr,

Samuel Penhallow, Shad. Walton, } Esqs. Richd Wibird, Thos Packer, } Esqs.

His Honour the Lieut. Governour laid before the board a copy of a memorial presented to the Right Honourable the Lords of trade and Plantations, by Mr. Agent Newman, (1) praying for a supply of Gun powder for his Majesty's Fort *Wm.* and *Mary*, wthin this Province, which being read was sent to the house by the Clerk.

A message to the board by Capt Jno. Gillman with the following vote:

(1) [From MS. Correspondence, in Sec'ry office.]

A letter from the Province Agent, Mr. Newman, dated

41 Middle Temple, May 2d, 1721.

Sr. — I have herewith covered a copy of the memoriall which I put into the board of Trade in March last on the subject of powder for Fort William & Mary; but tho' I have attended every week since to know the pleasure of the board therein, the Parliamentary affairs, and the preparing instructions for my lord Irwin (since dead) and now for lord Belhaven, he being to proceed without delay to his governmt at Barbadoes, has obliged their Lordships to postpone the consideration of it; however I was yesterday promised . . . . . one of the com'te it should be considered to morrow, and some answer given to it, of which I shall acquaint your Excellency in the postscript of this, if I obtain my expectations, but having been often disappointed, and having delayed writing by Capt. Brown, in hopes of an answer, I write this to be ready to be sent by Capt. *Chadder* [?] that your Excellency and the Province of New Hampshire may not think me negligent.

As to the divisional line I find I must petition his Majesty in Council before anything will be done in it, Mr. Dummer refusing to joyn with me. And in order to set the matter in a clear light, I must have copies of the original Grant of the Council of Plymouth to Massachusetts, and of the old charter from the Crown to Massachusetts, and conveyances of the Province at Maine to Massachusetts, all which I am endeavoring to get copies of here; but perhaps I may be under difficulty to prove them authentick, and therefore if I can have copies under the Province seal, attested by your Excellency or Col. Wentworth, they would have a better authority. It's true, these grants are generally recited in the present charter of Massachusetts, but that recitall omits many provisos and exceptions which may be of use to New Hampshire.

May 3d.

Sr. — This day I attended the board of Trade, and their Lordships were pleased to admit of a reading of my memorial, and tho' they have not yet taken a resolution thereupon, I am glad to find they think the prayer of it very reasonable, and your Excelly will soon be informed of their resolution in such a manner, as I have good reason to believe, will be to the satisfaction of the Province; I mean by permitting the Revival of the duty of Impost, provided the trading ships of New Hampshire are not exempted from bearing their part of it, as well as the ships from Great Britain.

I remain.

[Indorsed]
"A copy of agent
Newman's intelligence
2 May, 1721."

In the House of Represent^{s}.

Voted, That an Express be forthwith sent to his Excellency to pray that he would send orders to draw of all our men which are now in his Majesty's service at the Eastw^{d}, they being in a suffering condition.

9br 28th, 1721. Danl Greenough, Cler. Assem.

In Coun:

Eodem die. Concurred. Richd Waldron, Cler. Con.

Adjorned till 3 o'clock, P. M.

[P. 215.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Councill as before.

A message to the board by Messrs Tibbitts and Dam wth an answer to his Honour's Speech, which was sent down by Geo. Jaffry and Samuel Penhallow, Esqs., for amendment (1).

A message to the board by Col. Wear and Capt. Tibbitts with a vote for the Treasurer's paying to the General Assem: the fifteen hundred pounds delivered into the treasury last year in order to be sunk, which vote was returned to the house by Messrs. Penhallow and Jaffry to be reconsidered.

Adjourned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem: held at Portsm^{o} by adjornm^{t} 9br 29th, 1721.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs.

Shad. Walton, Richd Wibird, Thom^{s} Packer, } Esqs.

(1) [The following is the answer of the House referred to.]

May it please yr Honor:—We Heartily thank yr Honr, and ye gentlm. which accompanyed yr Honr to Ipswich, to meet his Excellency; and according to ye Resolve there, we hope yt his Excellency will, according to his Promis, use his best Endeavor to accommodate the affair relating to ye late severe Act of Duties, that it may be accommodated at the next sessions of the General Assembly of ye Massachusetts; and in the mean time yt our Act of Duties be repealed, so far as relates to ye Duty on Lumber.

As to ye £1500 collected last year, and should have been burnt, but is misapplyed, we expect yt Mr. Treasurer return ye mony yt it may be burnt according to ye tennor of ye Act of Genl Assembly.

As to ye 15d. Bills of Credit which were found to be counterfeited, or any other of our bills when brought into ye Treasury, we will take care to suppress ye villany and make good ye Damage.

As for Providing for his Excellency, we are ready and willing to do it as soon as we are able.

28th Nov., 1721.

A message to the house by Richd Wibird and Thos Packer, Esqs., requiring their attendance to conferr on the striking & emitting a further quantity of bills of creditt, and also how and by what means to send for the souldiers at the Eastward.

The Speaker and house came to the board accordingly, and having fully discoursed on the p'mises withdrew to their own chamber,(1) and then the Council were

Adjourned till 3 o'clock P. M.

[P. 216.] Pro: N. Hamp^{r}. Mett again according to adjornm^{t}.

Present in Councill
as Before.

A message to the board by Capt. Tibbitts and Capt. Gillman, wth a vote for repealing the lumber Act, and another vote to chuse a Committee to form a letter to the Goverm^{t} of the Massachusetts in order to the adjustment of the Difference between this and that Province.

Adjorned till tomorrow, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Genl Assem: held at Portsm^{o}
by adjornm^{t}, Novemb^{r} 30th, 1721.

Present in Council,

His Hon^{r} John Wentworth, Esq., Lt. Govr,

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffry,		Thom^{s} Packer,	

A message to the house by George Jaffry and Richard Wibird, Esqs., with the two votes sent up yesterday in the afternoon, (namely), for repealing the lumber Act and appointing a Committee to write to ye Mass^{s} Governm^{t} to be reconsidered.

A message to the board by Capt. Gillman & Mr. Dennet with the following vote:

In the House of Represen^{ts}, Nov. 30th, 1721.

Voted, That a Committee of this house be chosen to joyn with

(1) [From Journal of the House.]

Nov. 29th. Voted, That there be a clerk chose which does not belong to ye House, and yt he shall be paid for his service out of ye Publick Treasury.

Voted, That Capt. James Jaffrey be clerk for ye year insuing, and yt he shall have ten pounds for his service, and according sworn to his fidelity in sd office, and sd clerk to give out ye debenters to ye members of Assembly free of charge.

such as may be appointed of the upper house, to form an Address to his Excellency to represent to ye Goverm^t^ of the Mass^s^ our Desire for the laying all Dutys aside in each; which we suppose will be for the benefit of both Provinces; and that Maj^r^ Gillman and Capt. Wiggins be of the Committee for the end aforesaid.

Jas. Jaffry, Cler. Assem.

In Coun:

Eodem die. Concurred, and Saml Penhallow and Richard Wibird, Esqs., appointed of the Council for the service above.

Richd Waldron, Cler. Con.

[P. 217.] A message to the board by Capt. Gillman and Mr. Dennet with a vote for repealing the Impost and Excise Act made and past in the month of May last, which was returned by Geo. Jaffry and Richd Wibird, Esqs., to be reconsidered, by whom it was recommended to the house to make an explanatory vote upon that paragraph in the afores^d^ Act relating to the payments of species, &c.

A message to the board by Capt. Greenough, wth the following vote:

In Coun:

As an Explanation on the Excise Act on drink lately past. It is to be understood that the specie therein mentioned be merchantable pine boards and fish, and that ye same be paid unto the collector thereof at Portsmouth.

Nov. 30th, 1721. Richd Waldron, Cler. Con.

In the House of Represen^ts^.

Read and concurred.

30th Nov., 1721. Jas. Jaffry, Cler. Assem.

A message to the House by the Clerk with the three following votes (namely):

For the repetition of the fifteen hundred pounds paid into the treasury last year.

For postponing the thousand pounds due this year.

And for striking and emitting one thous^d^ pounds more.

A message to the board by Col. Wear with the following vote:

Edward West resident at Hampton, so accounted, being distrained upon by Salisbury constable for rates & carryed away to Newbury goal, and detained there for ye space of two months, which is greatly to his damage in time and expenses, makes application to this house that he may be allowed satisfaction for the same, not being able to bear the charge he hath been at himself.

Voted, That Edward West be allowed three shillings a day for

forty eight days that he was in custody at Newbury, on account of paying rates, he having taken his oath in [P. 218.] this Assembly that he was so long in custody and that it be paid him by the Town of Hampton, and that the selectmen of said town make an assessment for the same.

9br 30th, 1721. Jas. Jaffry, Cler. Assem.

In Coun:

Eodem die. Concurred.

Richard Waldron, Cler. Con.

A message from the House by Mr. Dennet, Capt. Tibbitts and Capt. Greenough, with a vote for the Treasurer immediately to account wth ye House, &c. wch vote was delivered Mr. Treasr Penhallow(1).

Adjorned till tomorrow 10 o'clock, A. M.

Pro: N. Hampr.

At a Genl Assem. held at Portsme by adjornmt Decr 1st, 1721.

Present in Council,

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Geo. Jaffry, } Esqs. Shad. Walton, Richd Wibird, } Esqs.

Thome Packer, Esq.

A message to the board by Mr. Dennet wth a vote for sending for our Eastern souldiers, which was sent back by the Clerk for reconsideration.

Daniel Jackson preferred a petition to the board directed to the Genl Assem. praying for a special Act to enable him to renew and bring forward a suit agst Alexander Miller, before Geo: Jaffry, Esq., Just. Peace, for reasons therein mentioned; which petition being read and the pleadings upon it fully heard, and the objections agst the same made by the sd Miller also heard and considered, — It was voted, that ye prayer of the petition be granted, and that the petitioner be allowed to prepare and bring in a bill accordingly; and then the said petition and vote thereon was sent down to the house by the Clerk for concurrence.

(1) [From the Journal of the House.]

Nov. 30th, 1721. *Voted*, That there be no more Memorialls received by this house from Mr. Treasurer Penhallow relating to accompts of this Province; but that he bring in the Province Accompts truly by Debt & Credit; And that the accompts from the fifteenth of July last past be brot. in forthwith to us accordingly.

A message to the board by Capt. Greenough wth the vote of ye house for calling home our Eastern souldiers, which was again sent down by Shad. Walton & Thomas Packer, Esqs. for amendment, [P. 219.] and then came another Message by Mr. Dennet, wth a vote which was accepted and concurred with, and is as follows:

Dec. 1st 1721. In the House of represen^{ts}.

Upon the return of his Excellency's letter(1) by the Express sent him in relation to the discharge of the souldiers at the Eastward,

Voted, That the souldiers be forthwth discharged, and that the Honourable the Lieut. Govr is desired to send his orders for them, by Express, to come home by land, and that a vessel be immediately sent with provision for their subsistance home.

Jas. Jaffry, Cler. Assem.

In Coun:

Eodem die, Concurred. Richd Waldron, Cler. Con.

The petition of Benj^{a} Wentworth praying for a special Act to enable him to bring forward a suit against Saml Plaisted, Esq., for reasons mentioned, being read,

Ordered that the hearing on said Petition be tomorrow at 10 o'clock beforenoon, and that the said Plaisted be notyfied thereof.

A message to the board by Mr. Dam, with the following vote:

Nov. 30th, 1721. In the House of represen^{ts}.

Voted, That our vote past the 7th October last past relating to suspending the Act of Dutys of Export & Impost be further continued to the middle of March next, on the same former conditions, wch conditions if not complyed wth by the Massachusetts, then to be in force.

Jas. Jaffry, Cler. Assem.

In Council.

Dec. 1st 1721. Concurred.

Richd Waldron, Cler. Con.

Adjorned till tomorrow, 10 o'clock, A. M.

(1) [From the Journal of the House.]

Fryday Nov. 30, 1721. Copy of his Excellencies letter of ye 9br ye 29th, Directed to the Honble John Wentworth, Esq., Lt. Govr. of New Hampshire:

Sr.

I recd your Express & if the Genl Court are of opinion yt it is best for the interest of the Province yt ye souldiers at the Eastwd should be discharged, I do hereby give my consent unto it.

I am your humble servt.

SAMUEL SHUTE, Boston.

Wednesday, five of the clock afternoon.

Pro: N. Hamp^{r}.

At a General Assembly held at Portsm^{o}
by Adjournm^{t} Decr 2^{d}, 1721.

Present In Council,

His Honour John Wentworth, Esq., Lt. Govr,

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffry, Shad. Walton, } Esqs.

Rich Wibird, Thos. Packer, } Esqs.

A Message to the board by Capt. Gillman and Mr. Dam wth the three votes of Council for repeating £1500, postponing 1000^{lb} and Emitting 1000^{lb} more (wch were sent down on ye 30th of ye last month) without anything done thereon, which said three votes were again sent down to lye before the house for further Consideration.

Jotham Odiorne, Esq., Capt Greenough and Mr. Dam brought a vote to the board which was concurred wth and is as follows:

[P. 220.] In the House of Represent^{s}.

Voted, That Mr. Treasurer Penhallow do forthwth gather in the Interest money due to this Province & pay one hundred pounds of it to his Excellency Govr Shute, 2d Xbr 1721.

In Coun. James Jaffry, Cler. Assem.

oed^{m} die, Concurred. Richd Waldron Cler. Con.

Mr. James Jeffry appeared at the board and humbly moved that the petition of the town of Portsm^{o} signed by himself as attorney for s^{d} Town, and directed to the General Assem. and preferred the 20th July last, might be withdrawn. Ordered, that the Clerk Endorse the said Petition on file that no proceeding be thereon.

R. Waldron, Cler. Con.

Capt Benj^{a} Wentworth at the board to prosecute his petition preferred yesterday and Saml Plaisted, Esq., (being notifyed) also appeared, and the matter being fully heard in both houses the following vote was past thereon:

[P. 221.] In Council.

Voted, that the prayer of the petition be granted and that the petitioner have leave to bring in a bill accordingly.

Richd Waldron Cler. Con.

Decr 2^{d}, 1721.

In the House of Represen^{t}.

Decr 2^{d}, 1721. Read and Concurred.

Ja^{s} Jaffry Cler. Assem.

Then the said Benj^{a} Wentworth presented his bill to the board,

Entitled An Act To Enable Capt Benja Wentworth of Dover to bring forward a Complaint at the next Superiour Court of Judicature, agst Samuel Plaisted, Esq., which being read in both houses, was past to be Enacted, and was Enacted accordingly by Signing and Sealing in presence of the whole Genl Assem. after which by the Leut Govrs order the Said General Assem: was

Prorogued till ye 6th of Febry 1721-2.
Prorogued till ye 27th March, 1722.
Prorogued till ye 16th April, 1722.
Prorogued till ye 30th April, 1722.

Justices, &c., their Addresse to her Majesty, 1707.

[Copied from "Addresses to the King," in Secretary's Office, p. 63.]

NOTE.—Although the following paper is without date, yet it evidently belongs to the period of Gov. Dudley's administration—about 1707. It was discovered by the Editor, bound up in a MS. volume containing "Addresses to the King," &c., arranged with papers bearing date 1739-1742. It should be read in connexion with other "Addresses to the Queen" found on pages 349–352, of this Volume III.—ED.]

TO THE QUEEN'S MOST EXCELLENT MAJESTY:—

Wee, your Majestie's most Loyal and dutifull subjects, Justices of the Peace, Officers of the Militia, Merchants and Inhabitants of your Majestie's Province of New Hampshire in New England, most humbly acknowledge your Majestie's favour to this your Majestie's Province in conferring the government thereof upon Colonel DUDLEY, a gentleman of approved Loyalty, courage and conduct, who during the troubles by the Rebel Indians, assisted by the French for some years last past, which have put this your Majestie's poor Province to a great Expence and constant hazard, in all which time, wee are witnesses of the indefatigable care, pains and good service of your Majestie's said Governor in our Defence, as wel as pursuit of the Enemy, and ease expence of our Treasury, soe that wee have not lost one village, but have removed our enemies during all these troubles to a great distance from their planting and fishing, upon which they depend for their support: all which is apparent and to the satisfaction of all your Majestie's good subjects of this your Majestie's Province.

Notwithstanding which wee are by the last Ships advised that your Majestie is addressed by several persons unknown to us as wel as to this Province to remove our said Governor from your Majesties favour and his service here, by very false and unjust In-

formations and reflections; which wee most humbly pray may not obtaine Roome or beliefe in your Majesties princely Breast, to remove him from your Majesties Royal Favour, which wee most humbly and truly Represent to your Majestie will be to the Griefe and trouble of all your Majesties most Loyal subjects in this Province as wel as to our selves, who shall always live in a most grateful sence of your Majesties most princely favour towards us; And humbly Imploring Almighty God for a continued Traine of success & victory for your Majesties Armes and the blessing and benefitts of the happy Union of the kingdom of Great Brittaine,

Wee remaine yor Maj^ties most loyal & Dutiful subjects

John Walker,
Clement Hughes,
John Cutt,
Richd Wybird,
Saml Alcock,
John Janvrin,
B. Gambling,
Jacob Green,
John Knight,
George Jaffrey,
Obadiah Mors,
Sampson Sheafe,
Moses Leavitt,
David Lorrence,
Tho: Wilson,
Winthrop Hilton,
John Gilman,
Robert Coffin,
Jno Low,
Thom^s Tibbetts,
Richd Waldron,
Geo. Vaughan,
Thom^s Phipps,
Ichabod Plaisted,
Richard Gerrish,
Theo. Atkinson,
Theophilus Dudley,
Shad^k Walton,
Nathl Hill,
Josh^a Peirce,
Tobias Langdon,
John Sherburne,
Joseph Smith,
Jonathan Thing,
Joshua Wingett,
Saml Hart,
Jeremy Gilman,
Isaac Grean [?]
Jno Tuttle.

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